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% 30.03.2012

Present:-

Counsel for the appellants.

Mr. Harish Malhotra, Sr. Advocate with Mr. Vishwa Loche Madan & Ms. K.K. Madan, Advs.

Mr. Rajat Aneja with Ms. Shweta Singh & S. Sethu, Advocates.

Counsel for the respondent.

Mr. Manoj K. Singh with Mr. Nilava Bandyopadhyay, Advs.

+ **Caveat 329/2012 in LPA No.262/2012, Caveat 331/2012 in LPA No.263/2012, Caveat 332/2012 in LPA No.264/2012, Caveat 333/2012 in LPA No.265/2012, Caveat 334/2012 in LPA No.267/2012, Caveat 335/2012 in LPA No.268/2012, Caveat 336/2012 in LPA No.269/2012, Caveat 337/2012 in LPA No.271/2012, Caveat 342/2012 in LPA No.274/2012, Caveat 343/2012 in LPA No.275/2012 & Caveat 344/2012 in LPA No.276/2012.**

Since the counsel for the respondent/caveator has appeared, the caveats stand discharged.

CM No.5999/2012 in LPA No.259/2012, CM No.6008/2012 in LPA No.260/2012, CM No.6012 in LPA No.262/2012, CM No.6018/2012 in LPA No.263/2012, CM No.6020 in LPA No.264/2012, CM No.6022/2012 in LPA No.265/2012, CM No.6026 in LPA No.267/2012, CM No.6028/2012 in LPA No.268/2012, CM No.6030 in LPA No.269/2012, CM No.6032/2012 in LPA No.270/2012, CM No.6034/2012 in LPA No.271/2012, CM No.6036/2012 in LPA No.272/2012, CM No.6055/2012 in LPA No.274/2012, CM No.6058/2012 in LPA No.275/2012 & CM No.6073/2012 in LPA No.276/2012 (all for exemptions).

'Allowed, subject to just exceptions.

The CMs stand disposed of.

LPA No.259/2012 & CM No.5998/2012 (for stay), LPA No.260/2012 & CM No.6007/2012(for stay), LPA No.262/2012 & CM No.6011/2012(for stay), LPA No.263 & CM No.6017/2012(for stay), LPA No.264/2012 & CM No.6019/2012(for stay), LPA No.265/2012 & CM No.6021/2012(for

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stay), LPA No.267/2012 & CM No.6025/2012(for stay), LPA No.268/2012 & CM No.6027/2012(for stay), LPA No.269/2012 & CM No.6029/2012(for stay), LPA No.270/2012 & CM No.6031/2012(for stay), LPA No.271/2012 & CM No.6033/2012(for stay), LPA No.272/2012 & CM No.6035/2012(for stay), LPA No.274/2012 & CM No.6054/2012(for stay), LPA No.275/2012 & CM No.6057/2012(for stay) & LPA No.276/2012 & CM No.6072/2012(for stay).

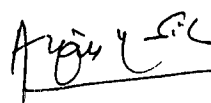
1. We have heard the counsels for the parties at length. We do not find any infirmity in the impugned order dated 5th March, 2012 passed by the learned Single Judge in the writ petitions preferred by the appellants.

2. At this stage, the learned counsels for the appellants state that they will not press these appeals in case the direction contained in para 36 is suitably amended/modified. In para 36 of the impugned judgment the learned Single Judge has given liberty to the appellants to seek re-location from the respondent NDMC by making representations within two weeks. A direction is also given to the respondent NDMC to take decision on such representations within four weeks thereafter. The eviction orders are ordered to be kept in abeyance till the time the respondent NDMC takes decision on the representations made by the appellants. We are informed that all the appellants have already made representations. Mr. Harish Malhotra, Sr. Advocate for the appellants submits that as per the NDMC, the premises in

question in occupation of the appellants are located are needed by the respondent NDMC for the purpose of museum; that in case the respondent NDMC wants to again allot these premises for commercial purpose, preference should be given to the appellants. This request is quite reasonable having regard to the facts of these cases. The same is acceptable to the counsel for the respondent NDMC as well.

3. We accordingly give an additional direction that in case the respondent NDMC decides to again allot the said premises for commercial purpose, preference in the matter of allotment shall be given to the appellants herein, subject to payment of licence fee at market rate and compliance of other terms as may be laid by NDMC or as may be best offered to NDMC.

4. It is further directed that the decision on representation of the appellants shall be communicated to the appellants save for the aforesaid, the appeals are dismissed as withdrawn. .


ACTING CHIEF JUSTICE


RAJIV SAHAI ENDLAW, J

MARCH 30, 2012/pp