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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 148/2010 & CM APPL. 3796/2010

KARAMBIR SINGH

..... Appellant

Through: Mr. Mahabir Singh, Senior
Advocate with Mr. Anand
Padmanabhan, Mr. Prithvi
Raj B.N. and Mr. Plato Aristotle,
Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr. B.V. Niren, Advocate.

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Date of Decision: 04th October, 2010

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MANMOHAN

1. Whether the Reporters of local papers may be allowed to see the judgment? No.
2. To be referred to the Reporter or not? No.
3. Whether the judgment should be reported in the Digest? No.

J U D G M E N T

MANMOHAN, J

1. The present Letters Patent Appeal has been filed challenging the judgment and order dated 02nd February, 2010 passed in W.P.(C) No.3364/2007 whereby the learned Single Judge has dismissed the appellant's writ petition with costs of Rs.10,000/-. It is pertinent to mention that by way of the aforesaid writ petition, the appellant had challenged the order dated 25th April, 2007 passed by the Additional

District Judge dismissing his appeal under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and upholding the eviction order passed by the Estate Officer.

2. Mr. Mahabir Singh, learned senior counsel for the appellant submitted that the learned Single Judge failed to appreciate that the appellant had given prior intimation to the department regarding short term stay of Smt. P.S. Malini. He further submitted that the Courts below wrongly held that the appellant could not take the plea of sharing of premises. In this connection, learned senior counsel drew our attention to S R 317-B-20 which provides that with prior intimation to the Estate Officer, an allottee of a Government accommodation can share his official residence with some other employee of the Central Government. Mr. Singh further pointed out that the appellant had filed a prior application dated 19th March, 2001 regarding sharing of the accommodation with the Directorate of Estates.

3. Having perused the papers, we deem it appropriate to reproduce the relevant portion of the Inspection Report dated 24th July, 2001:

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Government of India
Directorate of Estates
INSPECTION REPORT

(A) PARTICULARS OF INSPECTION

<i>1. Date of Inspection:</i>	<i>24.7.2001</i>
<i>2. Time of Inspection:</i>	<i>3.15 P.M.</i>
<i>3. Name of Inspecting Officers:</i>	<i>J.B. Garg & B.J. Jha</i>
<i>4. Name of Colony:</i>	<i>R.K. Puram</i>
<i>5. Quarter no. & Type:</i>	<i>S-VIII/1191</i>

(B) INSPECTING REPORT

1. Name, Designation and name of Office of the Allottee as confirmed at the Time of inspection. Karambir Singh Nagar, P.A. M.O. Railway.
2. Name of the occupant as confirmed at the time of inspection & his relation to the allottee Ramamani (cousin sister of Close friend, Srinivsan Mrs. Malini D/o Ramamani Master Srinivasan Kr. 1^{1/2} Yrs S/o Rama Mani.
3. Whether the allottee was found in the quarter at the time of inspection? If yes, his Identity Card No. and details of his family. If no his whereabouts. No.
4. Whether any other members of the allottee's family was found . If yes, their details. No.

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xxx

15. Any other information
"Allottee belongs to Sonapat. His wife and Children lives in Sonapat. However on Friday, Saturday and Sunday, allottee along with his family lives in this quarter (on holiday) Mrs. Rama Mani is Reader (Sanskrit) in Lal Bahadur Shashtri Sanskrit Vidya Peeth, Katwaria Sarai."
16. Does the Inspecting Team suspect that the quarter is sublet?. If yes or no, ground on which the Team have based their conclusion
"Full subletting suspected"

(emphasis supplied)

5. In view of the aforesaid, we are of the view that it is apparent that the entire premises was sublet by the appellant. There was no sharing

of the premises as the appellant was not found living in the said premises.

6. In any event, the plea advanced by the appellant before us has been considered from all spectrums by the learned Single Judge.

7. Moreover keeping in view the “contradictory stands” of the appellant as found by the Additional District judge and by the learned Single Judge, we are of the opinion that no ground for interference is called for.

8. Consequently, the present appeal and pending application are dismissed but with further costs of Rs.10,000/-.

MANMOHAN, J

CHIEF JUSTICE

OCTOBER 04, 2010

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