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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 40/2017 & C.M. Nos.258-260/2017**
BUTA SINGH

..... Petitioner

Through Mr.Manoj V.George, Mr. Yash
Sampat and Ms.Shilpa M. George,
Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through Ms.Suparna Srivastava, Advocate for
R-1 to R-3.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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04.01.2017

The petitioner before this Court is Dr. Buta Singh. He was a former Union Home Minister and has also served as Governor for two different states at various points of time in his capacity as a public servant. Submission is that the petitioner has been accorded a Z+ security cover since 1984. This was in the light of his role against the anti-national terrorist activities prevailing in the States of Punjab, Jammu & Kashmir, Mizoram and Manipur. The threat against the petitioner is real and genuine and that is why he was enjoying a continuous Z+ security cover.

The petitioner is presently living at a Type-VII bungalow accommodation at 11-A, Teen Murti Marg, New Delhi (hereinafter referred to as the demised premises). This had been allotted to him on 06.02.2006 under the discretionary quota of the Central Government.

Attention has been drawn to the allotment letter as also the license deed executed inter-se the Government and Dr. Buta Singh. The license fee which was being paid by the petitioner stood waived after the petitioner became the Chairman of the National Commissioner for Scheduled Caste and this is evident from the document dated 07.06.2007 (Annexure P-11); this was made a rent-free accommodation.

By way of this petition, the petitioner is aggrieved by the judgment dated 07.02.2016 passed by the learned Additional District Judge (being the appellate authority of the Estate Officer). The impugned order has endorsed the findings returned by the Estate Officer.

The Estate Officer had entertained proceedings under Sections 4 & 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. He had passed an order on 05.01.2015 holding that the demised premises are liable to be vacated by the petitioner; he was declared an unauthorized occupant.

The petitioner had preferred an appeal before the learned Additional District Judge. The learned Additional District Judge vide the impugned order had reiterated the order passed by the Estate Officer. The impugned order had in fact noted the proceedings which had taken place before the Supreme Court. Learned Additional District Judge had noted that the petitioner had given an affidavit/undertaking before the Apex Court wherein he had agreed to vacate the demised premises on or before 30.06.2014. This forms a

part of the impugned order. The fact that such an undertaking was given by the petitioner through a duly sworn affidavit of the petitioner is not in dispute. On a candid query put to the learned counsel for the petitioner as to what else remains to be argued by the petitioner in view of this explicit undertaking of the petitioner, the petitioner really has no answer. His submission on this count is that he had been allowed this Z+ security cover de-hors the fact that at the time of this allotment (which was on 06.02.2006), he was not holding any public office; he was neither the Home Minister and nor was he appointed as a Governor at that time. This establishes his submission that this Z+ security is closely inter-linked with this accommodation which has been allotted to him; he cannot be evicted as he still continues to enjoy a Z+ security cover. His second submission is that the discretionary power (of a 5% quota) vested with the Government has obliged persons of the rank of Sh. M.S. Bitra, Sh. Subramaniam Swami and Sh. K.P.S. Gill who are still enjoying a government accommodation. The petitioner cannot be discriminated. His last submission is on medical grounds. Submission being that the petitioner is 83 years of age; he is suffering from prostate cancer and even he is asked to vacate this accommodation, he would require sometime to do the needful. He has prayed for 15 days time on this count.

On advance notice, learned counsel for the respondents has put in appearance. Her submission is that the undertaking given by the petitioner through a duly sworn affidavit clearly and explicitly stated

that the accommodation would be vacated on or before 30.06.2014; more than two years have since elapsed and in this rigmarole of litigations which have been filed by the petitioner, the petitioner has managed to buy time. No further time should be granted to him.

Arguments have been heard.

There is no dispute to the fact that an undertaking had been given by the petitioner in the form of an affidavit duly signed by him wherein there was an explicit undertaking to vacate the demised premises on or before 30.06.2014. This Court need not reproduce that undertaking which has been highlighted in paras 38 to 40 of the impugned order. The petitioner is also not disputing the fact that he had in fact not given this undertaking.

However, since the petitioner had not vacated the premises (inspite of his undertaking), proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act had been initiated by the Government. The Estate Officer had declared the petitioner to be an unauthorized occupant vide his order dated 05.01.2015. This order was endorsed by the appellate court. The fact that the petitioner is an unauthorized occupant having no right to retain this Government accommodation after having demitted all public offices is a fact which cannot really be disputed by the petitioner. His only submission on this count is that the petitioner had served the Government for more than 50 years as a public servant and being in last leg of his life, he should be allowed to retain this accommodation.

This Court is not in sympathy with this line of argument. This

Court also notes that after the culmination of the proceedings in the Supreme Court noting the undertaking of the petitioner to vacate this accommodation on or before 30.06.2014; since the accommodation was not vacated, a suo-moto notice of these proceedings had been taken by the Apex Court. This was in Suo-Moto Writ Petition (Civil) No.599/2014. The respondent had filed an application seeking impleadment in those proceedings. The respondent had filed an affidavit. Learned counsel for the petitioner heavily relies upon this affidavit wherein in para 7, the respondent had stated that two Type VII bungalows are in the occupation of the petitioner (Buta Singh and Farooq Abdullah due to security reason); they are Z+ security category and the Government is examining their matter. Learned counsel for the petitioner submits that the matter is yet under examination.

This Court is wholly in dis-agreement with this submission made by the learned counsel for the petitioner. This affidavit is dated 18.11.2014. The petitioner probably has forgotten the fact that after this affidavit proceedings under Public Premises (Eviction of Unauthorized Occupants) Act had been initiated by the Government in which orders were passed by the Estate Officer and the thereafter the impugned order followed. The stand of the Government is clear and unequivocal. Their stand being that the petitioner is an unauthorized occupant. This Court also notes that Farooq Abdullah has also since vacated the Type-VII bungalow. The petitioner on one pretext or the other is only trying to gain time from this Court. The

orders passed by the Apex Court not having been complied with, a suo-moto petition had been taken up for hearing and disposed off on 24.11.2014; at the cost of repetition, more than two years have since elapsed but the petitioner has not vacated the demised premises.

This Court has no sympathy with the petitioner; he being such a high ranked public servant should have acted on his moral conscience and honoured his undertaking which he has given before the highest Court of the land; nothing else remains for the petitioner in view of this explicit undertaking given by him. There is also no discrimination as admittedly Sh. M.S. Bitra, Sh. Subramaniam Swami and Sh. K.P.S. Gill are SPG protectees and do not enjoy a Z+ security cover. Their cases are different.

This Court is thus not inclined to grant any further time to the petitioner.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

JANUARY 04, 2017

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