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

+ W.P.(C) 461/2017 and CM No. 2189/2017 (stay)

SURESH KUMAR

..... Petitioner

Through Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr. B.S. Shukla, CGSC along with
Mr. Shekhar Gehlot, Advocate and
Mr. S.S. Sejwal, Law Officer, CRPF
for respondent No. 1/UOI.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **18.01.2017**

This writ petition is directed against a show cause notice dated 13.07.2016 issued to the petitioner under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, calling upon the petitioner to show cause why proceedings should not be initiated against the petitioner for eviction of the petitioner from quarters allotted to the petitioner at Group Centre, CRPF Gurgaon, Haryana.

The petitioner was allotted the quarters, in view of his posting at Baramulla, Jammu and Kashmir, which was a non-family station. The

petitioner has since been transferred and posted at Gwalior, Madhya Pradesh. Upon his transfer to Madhya Pradesh, the allotment of the quarter at Gurgaon has been cancelled.

Orders as prayed for, in the writ petition to permit the petitioner to retain the quarters allotted to him at Gurgaon, and not to recover market rent in respect of the said quarters cannot in our view be passed in proceedings under Article 226 of the Constitution of India. Such orders would patently be contrary to the rules.

The writ petition cannot be entertained and the same is rejected. However, the rejection of the writ petition will not prevent the respondents from considering any representation that might be made by the petitioner in accordance with law. Pending applications shall stand disposed of.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

JANUARY 18, 2017

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