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

+ W.P.(C) 7319/2017

AAM AADMI PARTY

..... Petitioner

Through: Mr Arun Kathpalia, Sr. Advocate
with Mr Aaditya Vijay Kumar and Mr
Samaksh Goyal, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Sanjay Jain, ASG with Mr Anurag
Ahluwalia, CGSC for R-1 with Mr
Harvesh Kumar, AD (Litigation).
Mr Vinod Diwakar, CGSC for R-2.
Mr Gautam Narayan, ASC with Mr
R. A. Iyer, Advocate for R-3 & 4.
Ms Madhu Bala Saxena, Supdt. and
Ms Rati Shankar, ASO.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.08.2017

CM No. 30264/2017

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7319/2017 & CM No.30263/2017

3. The petitioner – a registered political party – has filed the present petition, *inter alia*, impugning an order passed by the Hon'ble Lieutenant Governor, Delhi, cancelling the allotment of Bungalow No.206, Rouse Avenue, New Delhi, which was made in their favour. The said decision was

communicated to the petitioner by a letter dated 12.04.2017, which reads as under:-

“I am directed to say that the matter of allotment of Bungalow No.206, Rouse Avenue, New Delhi was placed before the Lt. Governor, Delhi. It has been noted that the said allotment is against the law/rules. The Hon'ble LG has been pleased to order that PWD shall revoke the allotment of Bungalow No.206, Rouse Avenue, New Delhi and take further action as per rules.

Accordingly, the allotment of Bungalow No.206, Rouse Avenue, New Delhi in favour of Aam Aadmi Party is revoked. It is, therefore, directed that the party should vacate the said premises alongwith all the Government furniture and fixture and hand over its possession to the 'JE' of the area concerned immediately. It is also informed that the party will be liable for payment of penal rent/market rent as per rules. This is without prejudice to any other action that is permissible and is required under the law.

Yours faithfully

(DEBASIS BISWAL)
DY. SECRETARY (ALLOTMENT)"

4. The learned counsel for the petitioner states that no Show Cause notice was issued to the petitioner prior to the aforesaid communication and the petitioner is clueless as to the reason why the allotment has been cancelled. In its petition, the petitioner has also listed out large number of political parties who have been allotted accommodation in New Delhi.

5. It is *ex facie* apparent that the communication dated 12.04.2017 does not indicate any reasons and it is not possible to discern from the said communication as to which law or rules have been violated. In the

circumstances, the order revoking the allotment of the Bungalow in question is set aside and the matter is remanded to the Lieutenant Governor, Delhi to consider the same and pass a reasoned order after hearing the petitioner.

6. It is seen that the order dated 13.06.2017, issued by respondent no.1 rejecting the petitioner's request for alternative accommodation and order dated 13.06.2017, calling upon the petitioner to pay a sum of ₹ 27,73,802/- (the dues calculated upto 31.05.2017), have been issued pursuant to the order cancelling the allotment of the Bungalow in favour of the petitioner. Accordingly, the said orders are kept in abeyance.

7. The Lieutenant Governor, Delhi is requested to pass a reasoned order within a period of eight weeks from today.

8. The petition and the application are disposed of with the aforesaid observations.

9. It is clarified that all contentions of the petitioner are reserved.

10. Order *dasti*.

VIBHU BAKHRU, J

AUGUST 23, 2017
MK