

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.23644 of 2011

ORDER:

The relief sought for in this Writ Petition is for a mandamus to declare the action of the Deputy Executive Engineer, Nagarjuna Sagar Canal, Operation & Maintenance Sub-Division, Irrigation & Command Area Department, Miryalaguda, Nalgonda District, in issuing notice dated 02.05.2011 seeking to evict the petitioner from Quarter No.B/95 of NSP Camp Colony, Miryalaguda, as illegal, arbitrary and in violation of Articles 14 and 16 of the Constitution of India. A consequential direction is sought to the respondents to continue the petitioner till the State Government takes a final decision on the issue of allotment of quarters, to employees of the NSP Organisation including retired employees on permanent basis.

An interim order was passed, in WPMP No.28962 of 2011 dated 28.08.2011, directing the respondents not to evict the petitioner from the subject quarters. This order was made absolute by order dated 09.10.2011. Though the petitioner retired in the year 2004, he continues to occupy the quarters ever since for the past fourteen years.

In the counter-affidavit, filed by the respondent, it is stated that complaints had been received that the petitioner had sublet the quarters to other private persons, and was collecting huge rent; and he was not staying in the quarters allotted to him. It is also stated therein that the NSC camp quarters are being allotted to retired Government servants, on payment of rent and other charges, on humanitarian grounds; they have no legitimate right to sublet the quarters; a large number of NGOs had applied for allotment of quarters, and they were

in the waiting list; and the said quarters are needed for the legitimate requirement of allotting them to eligible persons.

No statutory rule, or provision having statutory force, has been brought to my notice which confers any right on the petitioner to continue to occupy a Government quarters for several years after his retirement. It is, indeed, disconcerting that the petitioner should have been permitted to successfully retain occupation of the Government quarters for the past fourteen years. The specific allegation, in the counter-affidavit, that the petitioner had sublet the quarters, and was collecting rent, has also not been denied by filing a reply affidavit. The Writ Petition, as filed, is wholly misconceived and is, accordingly, dismissed. The respondents shall forthwith take action to have the petitioner evicted from the government quarters, and to allot the said quarters to eligible government servants, in accordance with law.

The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 13.04.2018

MRKR

