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

+ LPA 694/2018 & CM APPLs. 51838-40/2018

AVINASH SRIVASTAVA Appellant
Through: Ms. Gargee Dixit, Adv.

versus

ESTATE OFFICER Respondent
Through: Mr. Rajesh Gogna, CGSC for R-1.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

% **ORDER**
11.12.2018

CM APPL. 51840/2018 (*delay in re-filing*)

In view of the reasons stated in the application, delay in re-filing the appeal is condoned.

The application stands disposed of.

LPA 694/2018 & CM APPLs. 51838/2018 & 51839/2018

1. Seeking exception to an order passed on 16.08.2018 in W.P.(C) 11029/2017 by the writ court dismissing the writ petition filed by the appellant in the matter of upholding the order of eviction passed by the Estate Officer and the appellate authority under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereafter referred to as "the PP Act") whereby the appellant has been evicted from the Government accommodation in question finding him to have sub-let the same.

2. Appellant was allotted Government accommodation bearing Quarter No.191, Block-11, Dev Nagar, New Delhi. On a surprise inspection of the quarter, it was found that the appellant had sub-let the quarter. Based on the surprise inspection conducted on 28.12.2013 after issuing show-cause notice proceedings for evicting the appellant from the premises in question were undertaken before the Estate Officer under the PP Act. The Estate Officer having directed for eviction, appeal filed under Section 9 of the PP Act was also dismissed and thereafter the writ petition was filed. It was the case of the appellant that he was suffering from mental ailment, namely, Schizophrenia and went into depression as his wife was also running a beauty parlour in Dwarka. Appellant had brought his relatives, namely, one Rahul and one Kumari Richa to stay with him and look after him. They used to stay with the appellant for some time and thereafter go away. However, on enquiry it has been found that both Rahul and Richa were occupying the premises on the basis of sub-letting conducted and a detailed finding of fact in this regard has been recorded by the Estate Officer and the appellate authority, namely, the District Judge and the learned writ court have approved the same.

3. The findings recorded by the learned writ court from Para 15 onwards in detail takes note of various factors like address of Shri Rahul in the Aadhar Card showing him to be a permanent resident of the quarter, the presence of Rita, wife of the appellant at the time of inspection and various other factual aspects to hold that appellant has sub-let the quarter in question. The findings of fact recorded concurrently by the two statutory authorities and approved by the learned writ court are based on reasonable appreciation of the evidence and material that came on record. We see no

reason to interfere with the same now in this appeal.

4. Accordingly, finding no ground to interfere, the appeal stands dismissed. The pending applications also stand disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

DECEMBER 11, 2018

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