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

+ W.P.(C) 11178/2017

SANGITA VASHISHTHA Petitioner

Through: Mr.Dharmendra Vashishtha,
Mr.Sumit Kalra & Mr.Narender
Singh, Advocates

versus

ALL INDIA INSTITUTE OF
MEDICAL SCIENCES AND ORS Respondents

Through: Dr.Harsh Pathak & Mr.Siddharth
Shukla, Advocates for R-1

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **10.01.2018**

1. The petitioner is aggrieved by the judgment dated 19.12.2016, passed by the Central Administrative Tribunal, dismissing her Original Application 1285/2016, that had assailed the cancellation orders dated 14.12.2015 and 05.03.2016, in respect of the staff quarters allotted to her within the campus of AIIMS.

2. By the impugned order, the Tribunal has held that there is no infirmity in the cancellation orders dated 14.12.2015 and 05.03.2016, passed by the respondent/AIIMS. We may note that apart from the aforesaid OA, the petitioner had also filed an appeal under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 challenging the order dated 12.04.2017, passed by the Estate Officer, calling upon her to vacate the subject staff quarters which was dismissed by the Appellate Authority vide order dated 01.12.2017 with an observation that the appellate forum, i.e. the

District & Sessions Judge cannot quash a Notice issued under Section 4 of the P.P. Act in the appeal. It was also stated that if the Estate Officer desires to recover any damages, he will necessarily have to proceed under Section 7 of the P.P. Act after affording an opportunity of hearing to the petitioner, to respond to such a notice.

3. Learned counsel for the petitioner states that the petitioner had vacated the staff quarter in the first week of June, 2017 and as on date, she has not received any notice from the Estate Officer under Section 7 of the P.P. Act.

4. That being the position, in our opinion, the present petition has been rendered infructuous and is accordingly disposed of. However, it is directed that in the event the respondent/AIIMS seeks to recover penal licence fee from the petitioner in respect of the staff quarter by raising a demand and the Estate Officer is approached under the P.P. Act, for the purposes of recovery, the petitioner shall be entitled to appear before the Estate Officer and file a reply by taking all the pleas that may be available to her, both, in law and on facts. The Estate Officer shall thereafter pass an order uninfluenced by the observations made by the Tribunal in the order dated 19.12.2016.

HIMA KOHLI, J.

REKHA PALLI, J.

JANUARY 10, 2018

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