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

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S.S.N BHAI

W.P.(C) 1606/2019

..... Petitioner

Through: Ms Vijaya Lakshmi, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Ripu Daman Bhardwaj, CGSC for
UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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18.02.2019

CM 7377/2019 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 1606/2019 & CM 7376/2019 (direction)

2. The prayer in the present petition is that the Petitioner may be permitted to retain the 'Unit Pool Accommodation' House No. P-05/02, Fooder Line, Delhi Cantt-10 and that directions to be issued to the Respondents to extend the said allotment in favour of the Petitioner "on medical ground as a special case".

3. This Court had, at the first hearing of the petition on 15th February 2019, inquired from the learned counsel for the Petitioner whether the Petitioner is willing to give an undertaking that he will handover peaceful and vacant

possession of the accommodation to the Respondents positively on or before 31st March, 2019. She had sought time for instructions. Therefore, the case was adjourned for today.

4. Learned counsel for the Petitioner, on instructions, states that the Petitioner is not prepared to give any such undertaking. She reiterates that the Petitioner wants to retain the accommodation on special medical grounds on account of his two daughters.

5. The Court finds that the Petitioner was required by a notice dated 8th May, 2018 itself to vacate the pool accommodation. Obviously, a pool accommodation is not meant to be retained indefinitely. From the documents enclosed with the petition, it is seen that the Petitioner arrived in Delhi pursuant to a movement order dated 6th May, 2016 from BSC Centre, Kannur. By the time he was issued a notice dated 8th May, 2018 for vacating the pool accommodation, he had occupied it for well beyond 18 months, which was the outer permissible limit for occupying a pool accommodation.

6. The Petitioner continued in the accommodation beyond 8th May 2018 and had to be issued a further notice dated 9th February 2019 again asking him to vacate the pool accommodation. Thus he has continued therein beyond two and a half years.

7. In the circumstances, the notice requiring him to vacate the said pool accommodation cannot be said to be unreasonable and does not call for any interference.

8. The petition is accordingly dismissed. The pending application is also disposed of. No costs.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 18, 2019

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