

\$~37

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

+ **W.P.(C) 3711/2019**

ROSHAN LAL TIKOO

..... Petitioner

Through: Mr Nishit Kush and Ms Mercy
Hussin, Advocates.

versus

COMMISSIONER OF POLICE & ANR

..... Respondents

Through: Mr Ajay Digpaul, CGSF with Mr
Nikhil Bhardwaj and Mr Prashant
Singh, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

10.04.2019

CM No. 17055/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 3711/2019& CM No.17054/2019

2. The petitioner has filed the present petition impugning an eviction notice 27.03.2019 issued by respondent no.1 (Commissioner of Police) for recovery of market rate of ₹8,250/- for the government quarter occupied by the petitioner with effect from 01.01.2009 till the vacation of the government quarter.

3. The petitioner was employed with the Indian Army and after retiring from the Indian Army, he had joined Delhi Police on 31.05.1995, as a Constable. Subsequently, on 04.09.1996, the petitioner was allotted government accommodation – quarter no.B-14/109, Type-I, PPL Delhi.

4. The petitioner superannuated from the services of Delhi Police on 30.04.2016. He was allowed to retain the government accommodation for a further period of one year from the expiry of his authorized retention period on payment of licence fee as per the prevalent policy. The said period also came to an end on 31.12.2017. Nonetheless, the petitioner has been occupying the said premises unauthorizedly till date.

5. On 14.12.2018, respondent no.1 issued a direction directing the petitioner to immediately vacate the government quarter and also pay the market rent of ₹8250/-per month from 01.01.2018 till date of vacation of the quarter. The petitioner did not comply with the said direction as well. Finally, on 27.03.2019, the Eviction Notice was issued to the petitioner, which is impugned in the present petition.

6. The petitioner claims that he hails from the State of Kashmir and his house in the native village Yeshbutapora, Kul Gam, Kashmir was looted and burnt in the year 1992. He claims that he is on the hit list and he is unable to return to his native Village. In view of the above, the petitioner prays that he may be permitted to continue to occupy the government quarter.

7. Plainly, the relief sought for by the petitioner cannot be granted. Although, the petitioner has not indicated the date on which he joined the services of the Indian Army, however, it is apparent that since he had retired in 1995, he would have joined the said service much earlier. Thus, the petitioner has been in the employment of the government/government agencies since past several decades and he had sufficient time to make alternative arrangements for his accommodation.

8. The accommodation granted to the petitioner in 1996 was pursuant to

his joining the employment of Delhi Police and not by virtue of him being a Kashmiri migrant. The petitioner has no right to continue occupying the residential provided pursuant to his employment. The effect of the portioner's unauthorised occupation of the government quarter is that another employee of the government would be deprived of such accommodation.

9. The present petition is, accordingly, dismissed. The pending application stands disposed of.

VIBHU BAKHRU, J

APRIL 10, 2019
MK