

\$~28

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

+ **W.P.(C) 7990/2019**

B K TRIPATHI

..... Petitioner

Through: Mr Saurabh Jain and Mr Siddharth
Jain, Advocates.

versus

**THE SECRETARY , MINISTRY OF HOUSING
& URBAN AFFAIRS & ORS**

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

24.07.2019

CM No.33192/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 7990/2019 & CM No.33191/2019

2. The petitioner has filed the present petition, *inter alia*, impugning a letter dated 05.07.2019 issued by respondent no.3 (Directorate of Estates) rejecting the petitioner's request for seeking extension for a further period of five months to occupy the premises bearing H.No.C-1/19 Bapa Nagar, New Delhi-110003.

3. The petitioner was allotted the aforementioned residential accommodation by the government on March, 2015. At the material time, the petitioner was holding the post of a Member Secretary, NCR Planning Board, Ministry of Housing and Urban Affairs, New Delhi and was allotted

the said residential premises by virtue of his appointment.

4. The petitioner was transferred to Ranchi on 17.11.2018 as Director General, Srikrishna Institute of Public Administration, Government of Jharkhand, Ranchi. Although, the petitioner shifted to Ranchi, his family continued to occupy the residential premises in Delhi.

5. On 22.11.2018, the petitioner filed an online application seeking permission to retain the premises in question (H.No. C-1/19 Bapa Nagar, New Delhi-110003) on the ground that his son was not keeping well and was under treatment of doctors in Delhi. In terms of the relevant policy, the petitioner's request was accepted and he was granted permission to retain the premises till 25.07.2019.

6. On 22.05.2019, the petitioner once again sought extension of time to retain the premises in question for a further period till 31.12.2019. The said request has not been acceded to.

7. By the impugned letter, the petitioner has also been informed that he would be liable to pay damages charges on telescopic rates as specified therein. Accordingly, the petitioner is now liable to pay ₹93,500/- for the first month beyond 25.07.2019. The said monthly charges would be increase by 10% for the next month and by 40% for the third month (26.10.2019 to 25.11.2019).

8. Undisputedly, the said impugned order is in terms of the policy of the respondents. This Court finds no infirmity with the impugned order. Plainly, the petitioner cannot be permitted to continue to occupy the premises beyond the period already occupied.

9. The petition is unmerited and is, accordingly, dismissed. The pending application is also disposed of.

VIBHU BAKHRU, J

JULY 24, 2019
MK