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

+ W.P.(C) 13703/2018 & CM No. 53500/2018

RUCHI CHOUHAN @ FALAQ

..... Petitioner

Through Ms. Malvika Rajkotia, Mr. Ramakant
Sharma, Ms. Rytim Vohra, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Bhagwan Swaroop Shukla,
CGSC with Mr. Kamaldeep, Advs.
for R1/UOI.

Ms Monika Arora, Ms Sunita Sharma,
Mr Harsh Ahuja, Mr Kushal Kumar
and Mr Praveen Singh, Advocates.

Mr. Nakul Dewan, Mr. Manoj Kumar
and Ms. Neelu Mohan, Advs. for R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.01.2019

1. The petitioner has filed the present petition, *inter alia*, praying that direction be given to respondent no.2 (Resident Commissioner, Union Territory Administration of Lakshadweep) to withdraw all bills issued by them regarding the use of accommodation at Lakshadweep House, New Delhi by the petitioner. The petitioner further prays that direction be issued to respondent no.1 and 2 to restore all facilities and benefits to the petitioner in accordance with her entitlement as the wife of respondent no.3 (Lt. Governor of Lakshadweep).

2. The petitioner has been regularly occupying Lakshadweep House. In compliance with the orders passed by this Court respondent no.2 has filed an affidavit, which indicates that she has been staying in Lakshadweep House off and on. However, after 20.04.2018, she has stayed at the Lakshadweep House for a total number of 240 days, approximately.

3. The petitioner claims that she is entitled to occupy the Lakshadweep House being wife of respondent no.3 who is currently the Administrator of Lakshadweep. The averments made in the petition indicate that it is the petitioner's understanding that she is entitled to several perquisites being wife of the Administrator including using facilities at Lakshadweep House. This is contested by respondent nos.1 and 2. According to the said respondents, the petitioner is not entitled to the accommodation at Lakshadweep House either as a spouse of respondent no.3 or otherwise.

4. Respondent no.2 has filed an affidavit enclosing therewith the Office Orders dated 12.08.2014 and 28.04.2017 which indicate that certain persons can avail of the facility of accommodation at Lakshadweep House on payment of the specified charges. In terms of said Office Orders, only the Administrator, VVIPs and State Guests declared by the Administrator are exempt from the payment of room rent. It is also clear that the said accommodation is not available to all in sundry and only to specified persons. In view of the above, petitioner's contention that she was entitled to occupy the premises at Lakshadweep House either as the spouse of the Administrator or otherwise, is unsustainable.

5. Ms. Rajkotia, learned counsel appearing for the petitioner, had also made a grievance that although, the petitioner is now sought to be billed for her stay at Lakshadweep House on account of alleged divorce

pronounced by respondent no.3, his other family members of respondent no.3 continue to use the facilities at Lakshadweep House without payment of any charges.

6. In this regard, respondent no.3 has filed an affidavit indicating that he was given to understand that such facilities were available to all family members including his nephew, who had stayed at Lakshadweep House for a period of 273 days during the period January 2017 to August, 2018. Clearly there is no basis for such understanding. The accommodation at Lakshadweep House is available free of charges only for personal use of the Administrator, State Guests and VVIPs; and family members of the Administrator do not qualify for such benefit when not accompanied by the Administrator.

7. In this view, Mr. Dewan, learned counsel appearing for respondent no.3 states that respondent no.3 shall voluntarily pay all the charges determined by respondent no.2 in respect of usage of the premises by his family members, in terms of Office Orders dated 12.08.2014 and 28.04.2017. He however, states that respondent no.3 is not liable to pay the charges in relation to the stay of the petitioner and her daughter for the period after 20.04.2018, as he has now divorced from the petitioner.

8. Respondent no.3 is bound down by the statement made by learned counsel appearing on his behalf. Respondent no.2 shall raise appropriate bills in accordance with the said Office Orders within a period two weeks from today and the same shall be paid by respondent no.3 within a period of four weeks, thereafter.

9. It is also apparent from the Office Orders that no person is entitled to reside permanently or use the said accommodation at Lakshadweep House

and, therefore, the petitioner's contention that she is entitled to continue to stay is not sustainable. Respondent no.2 is at liberty to take such steps as necessary for evicting the petitioner and / or other persons staying in the Lakshadweep House without due authority and in terms of the Office Orders passed.

8. Insofar as charges for the period pertaining to the petitioner and her daughter for the period beyond 21.04.2018 are concerned, this Court is not inclined to entertain the controversy whether any such payment is required to be made by the petitioner or respondent no.3. The dispute between the said parties essentially relates to whether they are divorced or not and it is not apposite for this Court to examine the same in these proceedings. However, it will be open for the petitioner to move for the appropriate relief regarding the said payment before the concerned Court where the dispute regarding whether the petitioner is divorced from respondent no.3 is pending consideration.

9. The petition is disposed of in the above terms. The pending application also stands disposed of.

10. Needless to state that all rights and contentions of the petitioner and respondent no.3 are reserved.

VIBHU BAKHRU, J

JANUARY 22, 2019
DR