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

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Date of Decision: 28th September, 2020

+ W.P.(C) 11644/2019 & CM APPL. 7893/2020 (for directions)

ANTI CORRUPTION COUNCIL OF INDIA
THROUGH ITS AUTHORISED SIGNATORY
MOHD KAMRAN KHAN

..... Petitioner

Through: Mr.Z.U.Khan, Advocate

Versus

THE HEAD OF THE DEPARTMENT
DIRECTORATE OF ESTATES AND ANR.

..... Respondents

Through: Mr.Chetan Sharma, ASG with
Mr.Jitesh Vikram Srivastava, SPC, Mr.Syed
Husain Adil Taqvi, GP, Mr.Waiz Ali Noor,
Advocate with Ms.Ritu Sain from Deptt.of Estate
for UOI.

Mr.Sanjoy Ghose, ASC with Mr.Naman Jain,
Advocate for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

The proceedings in the matter have been conducted through video conferencing.

1. Learned counsel for the respondent No.1 submitted that with regard to 565 Government accommodations which were unauthorizedly occupied, all have been vacated, except those where stay of the competent Court is operating. It is also submitted that, until now, ₹3.17 crores have been

recovered from the unauthorized occupants. However, an amount of ₹9.40 crores is yet to be recovered and all efforts are being made for expeditious recovery. Paragraphs 8 and 10 of the affidavit dated 31st August, 2020 read as under:-

“8. That it is respectfully submitted that out of the 565 flats, listed in Annexure-2 to the Affidavit filed on 21.11.2019 as under unauthorized occupation by the officials, the status of vacation of the accommodation by the officials are as under: -

S.NO.	STATUS	Nos. as on 05.02.2020	Nos. as on 19.06.2020	Nos. as on 25.08.2020
1.	Accommodations vacated	273	403	412
2.	Accommodations Re-allotted / Retention given / Date of Retirement extended	28	73	75
3.	Accommodations in respect of which litigation is pending in various Courts with stay	11	13	13
4.	Accommodations occupied by Kashmiri Migrants [The policy pertaining to Kashmiri Migrants is under examination by this Hon'ble Court in W.P. 3908/2018 and this Hon'ble Court has been pleased to grant a	55	55	55

	<i>stay to the Petitioners therein vide order dated 20.04.2018]</i>			
5.	<i>Accommodations identified in Department Pool</i>	7	8	8
6.	<i>Accommodations in respect of which Eviction orders / Notices have been passed / issued as per the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.</i>	195	13	2
7.	<i>Total</i>	565	565	565

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10. That it is respectfully submitted that as per the Government Accommodation Management System (GAMS) an amount of Rs.24.78 crore approx. was due against 565 officials on 21.11.2019. However, after 21.11.2019, additional damages to the tune of Rs.4.45 crore accumulated. Thus, total dues to be recovered are Rs.29.23 crore. Thereafter, with efforts made by the Directorate of Estates, as mentioned in para 8 above, the dues against the officials are updated in the cases of retention/regularisation, re-allotment, rectification in date of possession/vacation and reconciliation of Department Pool and houses under litigation. The dues of Rs.29.23 crore has got reduced to Rs.12.57 crore. Out of this, Rs.3.17 crore has been recovered. Thus, now the dues to be recovered as on date are Rs.9.40 crore approximately for which all efforts are being made for fast recovery.”

2. Learned counsel for respondent No.1 further submitted that notices

have already been issued for recovery of the outstanding amount; however, in a few matters, stay has been granted by the competent Court. The concerned advocates have been instructed for preferring necessary applications for vacation of stay so that the outstanding amount involved in such cases can also be recovered.

3. In view of these facts, as the accommodations have now been vacated and only outstanding amount is to be recovered, we expect from the concerned respondent-authorities that they shall continue to take steps for the recovery of the amounts due from the aforesaid unauthorized occupants. We also expect from the respondents that henceforth, if any Government servant retires, he/she should not be allowed to occupy the Government accommodations for a longer period than that permitted under the relevant Rules. We also expect from the respondents that the legally payable amount in such cases shall be recovered at the earliest.

4. With these observations, this writ petition is disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

SEPTEMBER 28, 2020

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