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

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Judgment delivered on: 17.02.2020

+ W.P.(C) 1822/2020

LATHA M PILLAI

..... Petitioner

versus

THE ASSISTANT ESTATE OFFICER, DIRECTORATE OF
ESTATES

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Ms.Kavitha K.T. and Mr.Subash Chandren, Advs.

For the Respondents: Mr.Anil Soni, Adv. for R1.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks stay of eviction notice dated 07.02.2020 issued by the Assistant Estate Officer, Directorate of Estate and for consideration of the application submitted by the petitioner for grant of Extension of Time (in short EOT) to vacate the accommodation.

2. The husband of the petitioner, who was working as Senior Auditor in Comptroller General of Defence Accounts, expired on

23.07.2017 while still in service leaving behind the petitioner and two minor children.

3. He was allotted government accommodation being House No. 5, Market Flats, Sector-1, R.K. Puram, New Delhi.

4. It is contended by learned counsel for the petitioner that the impugned eviction notice has been received requiring her to vacate the premises in three days.

5. Learned counsel submits that daughter of the petitioner is studying in Class XI and her annual examinations are commencing from 03.03.2020. It is prayed that six months time be granted to vacate the premises.

6. Learned counsel under instruction undertakes that petitioner shall vacate the premises on or before 30.06.2020 and shall also pay the damage charges as may be levied by the respondents till the time she vacates the premise.

7. Mr. Anil Soni, Central Government Standing Counsel appearing on behalf of the respondent submits that subject notice has been issued consequent to the direction issued by the Division Bench of this Court in W.P.(C) No.11644/2019 titled; *Anti Corruption Council of India v. Head of the Department, Directorate of Estate & Anr.* wherein the Division Bench of this Court has taken cognizance of the fact that there are several illegal unauthorised documents who

are occupying the government allotted flats without vacating the same.

8. Perusal of the order of the Division Bench dated 05.02.2020 shows that DB has directed 9 occupants comprised in Annexure R-2 to the counter-affidavit to the said writ petition to vacate the accommodations on or before 19.02.2020 failing which, respondent was directed to evict them within a period of one week thereafter.

9. With regard to the other occupants mentioned in Annexure R-2 to the counter affidavit, respondent has been directed to initiate the proceedings against all the other occupants.

10. Keeping in view the peculiar facts and circumstances of the case that the husband of the petitioner had expired while in service and the daughter of the petitioner has her annual examinations commencing from 03.03.2020, I am inclined to accept the undertaking of the petitioner that she shall vacate the subject flat on or before 30.06.2020.

11. Accordingly, subject to petitioner filing an affidavit of undertaking within a period of week that petitioner shall vacate and hand-over the peaceful possession of the allotted accommodation i.e. House No. 5, Market Flats, Sector-1, R.K. Puram, New Delhi on or before 30.06.2020 and that she shall pay use and occupation charges as may be levied by the respondent for the intervening period and further that she shall clear all the dues and charges in respect of the

said flat before she vacate the premises, no coercive action shall be taken against the petitioner till 30.06.2020.

12. Petition is allowed in the above terms.

13. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 17, 2019

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