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

+ **W.P.(C) 2918/2020**

SHEKHER SRIVASTAVA

..... Petitioner

Through: Mr.Prateek Tushar Mohanty and Mr.Tushar
Ranjan Mohanty, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Jaswant Rai Aggarwal with Mr.Vikram
N. Goyal, Advs. for R1-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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19.03.2020

CM APP No. 10147/2020

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 2918/2020 & CM No.10146/2020

1. The petitioner is aggrieved by an order dated 11.03.2020 passed by the Learned Central Administrative Tribunal (in short 'CAT') Principal Bench dismissing O.A No.940/2018 filed by him challenging an eviction order dated 14.07.2017 passed by the Directorate of Estates.
2. By the impugned order, the learned Tribunal has upheld the preliminary objection taken by the respondent that the O.A. filed by the

petitioner is not maintainable and appellant has to file an application under the Public Premises Eviction of Unauthorised Occupants Act, 1971 challenging the eviction order dated 14.07.2017 passed by the Directorate of Estates. As a result *status qua* order dated 27.02.2018 passed in the OA with regard to the occupation of the Government accommodation occupied by the petitioner was vacated.

3. Confronted with the said situation, learned counsel for the petitioner had requested the Tribunal that he may be protected for one more week to enable him to approach the appropriate legal forum. Knowing very well that the appellate forum has been spelt out under the Act, the petitioner has chosen to file the present misconceived petition assailing the impugned order on the ground that the same does not mention any grounds for dismissing the OA and does not discuss the merits of the case.

4. We are of the opinion that the present petition is not maintainable in this Court. Once, the petitioner had himself requested the Tribunal to protect him for one week to enable him to approach the appropriate legal forum which has also been indicated in the impugned order, he ought not to have filed the instant petition.

5. At this stage, Mr.Mohanty, learned counsel for the petitioner states that this Court may consider granting the petitioner a reasonable time to take appropriate steps to challenge the order dated 14.07.2017, passed by the Directorate of Estates calling upon the petitioner to vacate Government accommodation occupied by him, namely, Quarter No. B-096, Pandara Road, New Delhi.

6. In the interest of justice, the petitioner is granted a period of two

weeks to file an appropriate appeal to challenge the order dated 14.07.2017, passed by the Directorate of Estates. In the event, the Appellate Court does not grant any protection to the petitioner within the aforesaid time-line then the respondent shall be entitled to proceed against the petitioner in respect of the subject premises, in accordance with law.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

MARCH 19, 2020

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