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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 07 March 2022**+ **W.P.(C) 2847/2020 and CM APPL. 9873/2020 (Stay)****SUSHIL KUMAR** PetitionerThrough: Mr. Pradeep Kumar and Mr. Rishi
Lakhanpal, Advs.

versus

STATE OF ANDHRA PRADESH RespondentThrough: Mr. Deepak K. Singh, Mr. Sunny
Kumar and Mr. Yashveer Yadav,
Advs.**CORAM:****HON'BLE MR. JUSTICE YASHWANT VARMA****YASHWANT VARMA, J. (ORAL)**

1. This writ petition has been preferred seeking the following reliefs:-

“(a) Allow the present writ petition and issue a Writ in the nature of Certiorari or any other appropriate Writ, thereby, quashing/setting aside the impugned judgement and order dated 07.03.2020 passed in P.P.A. No. 188/2016, in the interest of justice.

(b) Staying the operation of impugned notice dated 12.03.2020 whereby 24 hours time has been granted to vacate the premises.

(c) Further issue any other appropriate writ, orders or directions, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The challenge essentially is to the orders passed in proceedings initiated under the Public Premises (Eviction of Unauthorised Occupants) Act 1971 [“the Act”]. The record reflects that the premises in question falls within the precincts of the Andhra Pradesh Bhawan [“the Bhawan”] in New Delhi. A room in the said premises was originally handed over to one late Ram Prasad who used to wash and iron the linen of the Bhawan. Over a period of time and since the workload on the late Ram Prasad increased, the



said premises which comprised of one room was permitted to be occupied by him till his demise. It becomes important to note that the one room tenement was never formally allotted to the late Ram Prasad. After his demise, the petitioner here is stated to have started rendering the same services on terms identical to those which were provided by the late Ram Prasad.

3. As things stood thus, the occupation of the aforesaid room by the petitioner and his family members appears to have come to the notice of the Accounts and Audits Department of the Government of Andhra Pradesh. It was found that the petitioner who was neither an employee of the Bhawan nor a government servant had been illegally permitted to retain the said premises and that in any case his case would not stand covered under the provisions made in the Andhra Pradesh Guest House, New Delhi Allotment of Quarters Rules, 1989. In view of the above, proceedings under Section 4 of the Act were initiated and ultimately culminated in the passing of an order of eviction on 26 May 2014 by the Estate Officer. The aforesaid order was assailed by the petitioner here by way of a statutory appeal. That appeal has come to be dismissed by the District Judge. It is these orders which are assailed by the petitioner by means of the present writ petition.

4. It is evident from the aforesaid recordal of facts that the petitioner here was never employed either by the Government of Andhra Pradesh or the Bhawan which may have entitled him to an allotment of a quarter in the premises in question. In any case, the petitioner has been unable to show or establish that he was eligible in law to be allotted the premises in question. The petitioner appears to have been permitted to utilise the one room in the



precincts of the Bhawan merely to facilitate the work that he was discharging and to provide services to the residents of the Bhawan. Although the petitioner has along with the writ petition placed a document dated 7 January 1993 to contend that the same constitutes an order of allotment, a bare perusal thereof establishes that the submission resting on the same is untenable. That document only certifies that the petitioner was residing in the one room quarter in question. Although that certificate issued by the Additional Comptroller also refers to the premises being “*allotted*” to the petitioner, the petitioner has failed to place any material on record which may prove a valid allotment having been made in his favour or lend credence to what stands recorded in the certificate. Similarly, the reliance placed on the document appearing at page 93 of the paperbook is misconceived since that cannot possibly be viewed or construed as evidence of a valid allotment having been made in favour of the petitioner.

5. What ultimately emerges from the aforesaid discussion is that the respondents appear to have permitted the petitioner to occupy the aforesaid room merely to enable him to attend to the laundry work of temporary visitors to the Bhawan and to wash linen utilised in its functioning. More importantly, the Court notes that the petitioner has woefully failed to establish that the said one room accommodation was allotted to the petitioner to be used for residential purposes along with his family members. Consequently, and in light of the above, the Court finds no merit in the challenge raised to the orders impugned.

6. However, the Court bears in mind that a large number of persons said to be constituting the joint family of the petitioner have been residing in the



premises for a considerable period of time. The petitioner is also stated to be the guardian of children with special needs. Bearing in mind the aforesaid coupled with the fact that the writ petition has remained pending on the board of this Court since 2020 and an interim order of protection operated in favour of the petitioner, the circumstances would warrant a reasonable period of time being provided to enable the petitioner and his family members to vacate the subject premises. On the aforesaid conclusion being expressed by the Court, learned counsel for the petitioner prayed for the petitioner being accorded the facility to occupy the premises till 30 June 2022 in order to enable him to make alternate arrangements. The Court is of the considered view that permission to the petitioner to vacate the premises by 30 June 2022 would thus subserve the ends of justice and equitably balance the interest of parties.

7. Accordingly, and for the aforesaid reasons, while the challenge to the impugned orders stands negated, in the larger interest of justice the Court deems it appropriate to accord the petitioner time till 30 June 2022 to hand over vacant possession to the respondents. In case the petitioner fails to abide by the aforesaid direction and timeline, it shall be open to the respondent to take all coercive steps as may be permissible in law.

8. The writ petition along with the pending application stands disposed of.

YASHWANT VARMA, J

MARCH 7, 2022
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