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

+ W.P.(C) 13899/2024 & CM APPLs. 58214-58215/2024

SHALINI LAMBA

.....Petitioner

Through: Mr. Vikram Singh, Mr. Ambar
Tewari, Ms. Varsha Tomar, Mr.
Varun Agarwal, Advocates.

versus

CENTRAL PUBLIC WORK
DEPARTMENT & ORS.

.....Respondents

Through: Mr. Amit Gupta, Mr. Vidur
Dwivedi, Mr. Karan Rawal,
Advocates for UoI.
Mr. Mananjay Kumar Mishra, Mr.
Ganesh Kumar Bhatt, Mr. Bhanj
Raj, Advocates for NDMC.
Appearance not given for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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03.10.2024

1. The petitioner has filed this petition under Article 226 of the Constitution for a direction upon the Central Public Works Department, Government of India, not to evict her from flat *No. A-163, Pandara Road, New Delhi – 110003* [“the subject property”] and for a direction upon North Delhi Municipal Corporation [“NDMC”] to restore the electricity connection in the property until the time the petitioner is residing there.
2. The petitioner is the wife of respondent No. 3, who is an officer of



the Indian Revenue Service. It appears that the petitioner and respondent No. 3 have been living in the subject property since the year 2017. However, matrimonial disputes have arisen between them, and proceedings have been filed by the petitioner and respondent No. 3 under the Hindu Marriage Act, 1956 and the Protection of Women from Domestic Violence Act, 2005.

3. Respondent No. 3 has been transferred to Kochi on 08.12.2023. Learned counsel for respondent No. 3, who appears on advance notice, states that he sought to vacate the subject property in view of his transfer, but the petitioner continues to occupy the property.

4. Learned counsel for NDMC, submits that electricity has been disconnected on 30.09.2024, acting upon a communication from respondent No. 3.

5. Learned counsel for the petitioner, accepts at the very outset, that the petitioner has no right to remain in the subject property indefinitely. He states that the petitioner would vacate the property by 08.11.2024 and will file an undertaking to this effect before this Court within four days from today. It is made clear that failure to abide by this undertaking would lead to proceedings for contempt of court.

6. In view of the aforesaid undertaking, NDMC is directed to restore the electricity connection by tomorrow. The petitioner will be liable for payment of the electricity charges for this period.

7. The aforesaid order is passed without prejudice to the rights and contentions of the petitioner and respondent No. 3 in the pending proceedings between them.

8. Learned counsel for the petitioner states that the petitioner is



entitled to maintenance in the form of a residential accommodation from the respondent No. 3, while respondent No. 3 disputes this contention. This is a matter for them to resolve in the pending matrimonial proceedings. This Court is not required to enter into this in this writ petition.

9. The petition stands disposed of with the aforesaid directions. All pending applications also stand disposed of.

10. Copy of this order be given *dasti* under the signatures of Court Master.

PRATEEK JALAN, J

OCTOBER 3, 2024

'Bhupi' /