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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15385/2024 & CM APPL. 64497/2024**
SHIV PRAKASH KATIYAR, & ANR.Petitioners

Through: Mr. Avadh Bihari Kaushik, Advocate
with Petitioner No. 1 (in-Person).

versus

JAWAHAR LAL UNIVERSITY AND ANRRespondents
Through: Ms. Monika Arora and Mr.
Subhrodeep Saha, Advocates for R-1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **04.11.2024**

1. The Petitioners have filed the present petition assailing eviction order dated 10th September, 2024 and subsequent notice dated 11th September, 2024, issued by the Respondents directing Petitioner No. 1 to vacate Room No. 122E at Subnasir Mahanadi Hostel in Jawaharlal Nehru University,¹ and clear the outstanding dues on account of his overstay therein.
2. Petitioner No. 1 was inducted as a Research Associate at JNU on 19th January, 2010. Upon his induction, he was allotted an accommodation bearing Room No. 122E at Subansir Mahanadi Hostel² in JNU in August, 2011. Petitioner No. 2, the daughter of Petitioner No. 1, who has been arrayed as a party to the present petition, is also residing with Petitioner No. 1 in the said accommodation.
3. On 7th July, 2015, Petitioner No. 1 made a representation to JNU to

¹ "JNU"



extend his tenure as Research Associate and allow him to stay in the subject room. The said request was, however, rejected through order dated 27th July, 2015, whereby Petitioner No. 1 was asked to deposit an amount of INR 55,274/- on account of overstaying in the room.

4. Aggrieved by the aforementioned decision, Petitioner No. 1 preferred a writ petition being W.P.(C) 9829/2015 seeking quashing of the aforementioned order dated 27th July, 2015 and extension of his tenure as Research Associate. The Petitioner also sought an interim relief for stay of the eviction proceedings vis-à-vis recovery of INR 55,274/-. The aforementioned writ petition is still pending.

5. In light of the continued occupation of the subject room by Petitioner No. 1, he was served with a notice of eviction dated 10th September, 2024, followed by another notice dated 11th September, 2024, which stipulates the following:

“JAWAHARLAL NEHRU UNIVERSITY
OFFICE OF THE HOSTEL NEW DELHI 110067

NOTICE

Date: 11.09.2024

Following your eviction from subansir (MRSH) Mahanadi Hostel, you are advise to clear all pending dues, which has been already communication to you owing to your illegal overstay in Room No. 122E two week from the receipt of notice. Thereafter you may be allowed to take your belonging.

Sd/-

Senior warden
Subansir hostel
Jawaharlal Nehru University”

6. In the above background, the Petitioners have invoked the jurisdiction of this Court, seeking quashing of the aforementioned eviction notice dated 10th

² “subject room”



September, 2024 and subsequent notice dated 11th September, 2024 contending that the same are arbitrary and unconstitutional.

7. Mr. Avadh Bihari Kaushik, counsel for Petitioners, on instructions from Petitioner No. 1 in person, states that Petitioners do not wish to challenge the eviction notices on merit. He emphasises that Petitioners limit their relief sought in Prayer (C) of the writ petition, and seek a direction to the Respondents to permit them to collect their necessary belongings and vacate the subject room.

8. On the other hand, Ms. Monika Arora, counsel for Respondents, states that Petitioner No. 1 had sought a similar relief in W.P.(C) 9829/2015 through application being CM. APPL. 57110/2024 dated 26th September, 2024. Further, Ms. Arora asserts that Petitioner No. 1 has to pay an outstanding amount of INR 16,00,000/- towards the arrears of the accommodation charges, electricity, and water charges etc., which have been due for about ten years.

9. Having considered the aforementioned contentions, the Court is of the opinion that Petitioner No. 1 has been unlawfully occupying the subject room for the last ten years and must be regarded as rank trespasser. His continued stay in the premises exhibits an abuse of process, leveraging perhaps some systemic gaps to prolong his residence beyond permissible tenure. It is essential to highlight that Petitioner No. 1's affiliation with JNU as a Research Associate ended in 2015, after which he had no right to continue residing in the subject room. Nevertheless, he has remained in unauthorized possession of the premises, disregarding the regulations of the University. Further compounding the matter is the failure to fulfil basic obligations such as paying for utilities, including electricity and water charges, thereby imposing an undue burden on JNU. Such conduct reveals a



pattern of deliberate non-compliance and disregard for the lawful use of university facilities.

10. On a specific query of the Court, Petitioner No. 1 states that he is still searching for accommodation and is temporarily residing with a friend at the address mentioned in the memo of parties. He, however, undertakes to furnish the details of the premises where he shall be shifting eventually.

11. In light of the above, Petitioner No. 1 warrants no leniency under any circumstances. However, recognizing that the Petitioners have occupied the room for a decade, it is reasonable to assume that their personal documents and belongings remain in the premises since they have not vacated the same officially. Thus, they should be allowed to retrieve their possessions. The primary concern before the Court is ensuring that the room is vacated promptly, allowing JNU to repurpose it for appropriate use in line with its institutional needs. In light of the foregoing, the following directions are issued:

(i) The Petitioners shall be allowed to remove their personal belongings from Room No. 122E tomorrow, *i.e.*, on 5th November, 2024 between 02:00 PM and 04:00 PM, under the supervision of an authorized representative appointed by the Registrar of JNU.

(ii) On removal of the Petitioners' belongings, the Respondents shall be at liberty to lock the subject room and retain possession of the premises.

(iii) As regards the dues which are to be recovered from the Petitioners, the Respondents shall be at liberty to take recourse to appropriate legal proceedings, if so advised, in accordance with law.

(iv) Petitioner No. 1 shall intimate the Respondents about his whereabouts and the premises where he shall be shifting in due course.

12. With the above directions, the present petition is disposed of along



with pending application.

SANJEEV NARULA, J

NOVEMBER 4, 2024

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