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

+ W.P.(C) 13967/2025, CM APPL. 57196/2025-Exp., CM APPL. 57197/2025-For permission to file lengthy synopsis & list of dates, CM APPL. 57198/2025-Stay

MR SUBU R THROUGH MRS DR JASEELA MAJEED

.....Petitioner

Through: Mr. Sri Ram, Ms. Mansi and Ms. Ridhika Singh, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents

Through: Ms. Kritika Gupta, Advocate for DDA.

Mr. Shashank Dixit, CGSC with Mr. Kunal Raj and Ms. Charu Khandelwal, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

10.09.2025

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1. By virtue of the present petition, petitioner seeks the following reliefs:-

“a) Issue an appropriate writ, order, or direction quashing and setting aside the final order dated 06.08.2025 passed in PPA No. 23 of 2024, as well as the consequential eviction notice dated 02.09.2025 issued by Respondent No. 1 in respect of the Government accommodation (Type VI) situated at Quarter No. 7/2, DDA Officers’ Complex, Bhagwan Das Road, New Delhi; and

b) Issue a writ of Mandamus or any other appropriate writ, order, or direction, restraining the Respondents, their



agents, or subordinates from initiating or pursuing any coercive action for dispossession of the Petitioner from the aforesaid accommodation during the subsistence of the permissible retention period; and

c) Direct the Respondents to permit the Petitioner to continue in the presently occupied accommodation till 29.02.2026, i.e., for 8 months from the date of joining i.e., 01.07.2025 upon transfer, in terms of the applicable Office Memorandums and Rules governing retention of Government quarters; and

d) Direct the Respondents to consider and decide the Petitioner's request for inter-pool exchange of accommodation strictly in accordance with the Office Memorandum dated 19.09.2014 and other applicable guidelines; and

e) Call for the complete records from the Respondents showing details of all officers/ employees who have been granted inter-pool exchange of accommodation in terms of the OM dated 19.09.2014, along with the parameters, criteria, and procedure adopted by the authorities while considering and approving such cases, in order to ensure transparency and non-discrimination in the Petitioner's case;"

2. The facts, in brief, leading to filing of the present petition are that the petitioner during his central deputation as Commissioner (Land Disposal), Delhi Development Authority, was allotted Type-VI accommodation at 7/2, DDA Officers' Complex, Bhagwan Das Road, New Delhi (**premises**). Upon expiry of his deputation, he sought regularization of the said premises under the Inter-Pool Exchange Policy, however, his request was denied. Nonetheless, respondent no.1/Delhi Development Authority (**DDA**) granted few extensions to the petitioner,



the last extension being on 13.01.2023 allowing retention of the said premises till 09.03.2024. Thereafter, DDA issued an eviction notice dated 12.09.2024 to the petitioner. Aggrieved thereby, the petitioner preferred an appeal, being PPA No. 23/2024, before the learned Principal District & Sessions Judge, Patiala House Courts, New Delhi (***Appellate Court***) which was dismissed *vide* the impugned order dated 06.08.2025. Pursuant thereto, respondent no.1 issued the impugned notice dated 02.09.2025, directing the petitioner to vacate the premises within three days.

3. It is the case of the petitioner that occupation of the said premises is lawful since the premises was duly authorized to him during his deputation with DDA, and the impugned order dated 06.08.2025 as well as the consequential eviction notice dated 02.09.2025 issued by respondent no.1 has been passed/ issued without giving due regards to the retention policy framed by the Government of India, which entitles a transferred officer to retain the last allotted government accommodation for a maximum period of eight months from the date of transfer. In any case, the Inter-Pool Exchange Policy mandates that the exchange shall remain valid for the entire period during which the officer continues to be posted in Delhi and is eligible to retain the accommodation, therefore, the restriction imposed on the petitioner limiting retention to only one year despite his continued posting in Delhi is arbitrary and contrary to the express mandate of the policy.

4. It is further the case of the the petitioner that he was arbitrarily and discriminatorily denied permission to continue with his DDA accommodation under the Inter-Pool Exchange arrangement as several other similarly placed officers were permitted by DDA to do so. Lastly, it



is also the case of the petitioner that the respondent no.1, in a hasty and inconsiderate manner, issued the impugned eviction order, granting the petitioner merely three days to vacate the premises, without taking into account that the petitioner's family includes elderly parents suffering from serious medical conditions, such as arthritis and diabetes, who require stable residential arrangements.

5. Accordingly, as per the petitioner, and in view of the aforesaid, the impugned order as well the eviction notice dated 02.09.2025, being *ex facie* illegal, arbitrary and unsustainable in law, is liable to be set aside.

6. When the present matter was taken up on the first call today, in furtherance of the aforesaid, learned counsel for the petitioner submitted that during the pendency of the aforesaid appeal, the petitioner was transferred to Odisha, where he assumed charge on 01.07.2025 and in view of the Gazette Notification governing retention of government accommodation, wherein it has been provided that an officer on transfer outside the station is entitled to retain existing accommodation for two months on normal licence fee and a further six months on double license fee, the petitioner is entitled to retain the said premises until 29.02.2026. Learned counsel for the petitioner then sought a pass over to address the remaining arguments as also to bring copies of few relevant documents pertaining to the period of last extension/ any proof thereto, as learned counsel was unable show anything of that kind from the record before this Court.

7. On the second call, though a new learned counsel appearing for the petitioner once again reiterated the very same submissions, however, he had nothing new to add to what had been submitted in the first call.



Despite this Court repeatedly asking for the documents/ the period of last extension/ any proof thereto, there was no response from either of the counsels even though the matter was taken up twice.

8. Issue notice.

9. Learned counsels for the respondents accept notice. They do not wish to file any response to the present petition and seek to place reliance upon the documents filed herein as also the impugned order passed by the learned Appellate Court.

10. Learned counsel for respondent no.1, who is the main contenting respondent, submits that despite the expiry of petitioner's deputation with DDA on 19.03.2021, the petitioner continues to occupy the premises without any authorization and/ or any payment. More so, the petitioner's request for regularization of the premises, after due consideration, was not acceded to, as the DDA itself faces a shortage of accommodation for allotment to its officers. Therefore, *vide* the impugned order, the learned Appellate Court has rightly dismissed the appeal of the petitioner.

11. Learned counsel for respondent no.1 then submits that the petitioner has not paid the rent since long. In fact, today, the outstanding rent and damages payable by the petitioner has accumulated to Rs.1,16,61,438/-.

12. A perusal of the impugned order reveals that petitioner was authorized to occupy the premises only during the period of his deputation with the DDA, which came to an end on 19.03.2021. Thereafter, although the appellant sought retention of the premises under the Inter-Pool Exchange Facility, the said request was declined having regard to the acute shortage of residential accommodation for senior officers of DDA and the rejection of the request was duly communicated to the petitioner



vide communications dated 06.07.2022 and 17.08.2022. Moreover, *relevantly*, it has also been recorded in the impugned order that the Office Memorandum governing Inter-Pool Exchanges itself provides “*The policy has been reviewed and it has been decided to discourage inter pool exchanges of General Pool Residential Accommodation and Departmental Pool Residential Accommodation due to an acute shortage of residential accommodation and long pending waiting lists of Central Government employees in Delhi*”.

13. Based thereon, the learned Appellate Court has passed the following order:

“After hearing the arguments and going through the record, I found that all the facts are admitted it is not denied that he came on deputation to DDA and has been repatriated. He requests for inter pool exchange, also did not find favour with the authorities i.e. DDA. The matter went up to the Vice Chairman, DDA. His review application was considered and did not find favour with the highest authority i.e. with the Vice Chairman. Under the circumstances once he is no more on deputation to DDA and repatriated, he has been allotted another accommodation; the inter pool exchange policy request was made but that also did not favour in DDA keeping in view the situation that their own officers are also looking for accommodation. In my opinion, it cannot be said that he is the authorized occupant. The Estate officer has rightly issued notice to him. There is no merit in the appeal and same is dismissed.”

14. Today, before this Court, it is an admitted case of the petitioner that the term granted by the respondent no.1 to the petitioner qua the premises has since expired way back on 09.03.2024. It is also not in dispute that thereafter, no extension of any sort has been accorded to the petitioner. In fact, the respondent has issued the eviction notice much later on 12.09.2024 i.e., after the expiry of more than six months from the last extension, whereby he has been given 15 days to vacate the premises.



Despite this, the petitioner continued to unauthorizedly occupy the premises with effect from 10.03.2024 and that too without any payment of rent, resulting in arrears amounting to Rs.1,16,61,438/-.

15. The aforesaid, as also the past actions of the respondent no.1 clearly reflect that the petitioner had been granted sufficient extensions from time to time, *albeit*, subject to certain conditions, which, the petitioner defaulted to comply/ fulfill.

16. The aforesaid reflects that the petitioner has been continuing to unauthorizedly enjoy the premises belonging to the respondent no.1 without having any right, permission and authority therein. What is more alarming is that since the said petitioner has not been paying any rent therefor, it has resulted in accumulation of arrears amounting to Rs.1,16,61,438/-. Needless to say, all the above is despite the admitted facts that the said petitioner has been granted repeated extensions by the respondent no.1. Under such circumstances, the petitioner cannot be allowed to play and/ or cause losses to the the public exchequer, much less, the respondent no.1 and the petitioner cannot be allowed to have a free run and keep the respondent no.1/ respondents at his mercy.

17. In any way, since by way of the present petition the petitioner has raised nearly similar pleas/ issues which have already been adjudicated and rejected by a speaking order of the learned Appellate Court dated 06.08.2025, there is hardly any new and/ or additional claims worthy of credence before this Court. Having said that, since this Court finds that interestingly the issue qua retention policy which entitles a transferred officer to retain the last allotted government accommodation for a maximum period of eight months from the date of transfer has been raised



for the first time before this Court and this Court need not to dwell into the same.

18. Therefore, this Court is of the considered opinion that no interference of any kind is warranted by this Court. More so, since the impugned order passed by the learned Appellate Court, being a well-reasoned, has taken into account all the factors germane to the issue involved in the present petition.

19. Thus, in view of the aforesaid facts and circumstances, this Court finds no merit in the present petition, and accordingly the present petition along with the pending applications is dismissed *in limine*. Parties to bear their own respective costs.

SAURABH BANERJEE, J.

SEPTEMBER 10, 2025/NA