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

+ **W.P.(C) 1954/2026**

BISHWABHBHAR NATH TIWARI

.....Petitioner

Through: Mr. Abhay Kumar Bhargava, Mr.
Satyaarth Sinha, Mr. Ajinkya
Dhalwade & Mr. Sanchit Kumar,
Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Vikrant N. Goyal, SPC with Ms.
Laavanya Kaushik, GP, Mr. Yash
Basoya, Mr. Inderpreet Singh & Ms.
Khyaati Bansal, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

16.04.2026

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1. This hearing has been done through hybrid mode.

CM APPL. 24587/2026 (early hearing)

2. The present application under Section 151 of the CPC read with Article 226 of the Constitution of India, 1950 seeks the following prayers: -

“i. Allow this application for early hearing in W.P.(C) 1954 OF 2026, taking into consideration that the Petitioner's household goods, worth approximately ₹6,00,000/-, are still lying with unknown persons or in unknown custody, thereby causing grave prejudice, irreparable loss, and continuous hardship to the Petitioner.

ii. Pass any other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

3. Perusal of the record would reflect that the captioned petition was listed



at the first instance before this Court on 11.02.2026. On said date, pass over was sought by the learned counsel for the petitioner on the first call, and on the second call, a request for adjournment was made and the matter was re-notified for 08.04.2026.

4. On 08.04.2026, again, pass over was sought on the first call at the request of learned counsel for the petitioner, and on the second call, the arguing counsel was still not available, and the matter was adjourned.

5. Be that as it may, in the interest of justice, the application is allowed and the captioned petition is taken up for hearing.

W.P.(C) 1954/2026

6. The present petition under Article 226 of the Constitution of India, 1950, seeks the following prayers:-

“i. issue a writ of certiorari or any other appropriate writ, order or direction quashing and setting aside the order dated 11.07.2025 issued by the Estate Officer, Directorate of Estates, Government of India, treating the Petitioner's occupation of the Government accommodation as unauthorised;

ii. Issue a writ of mandamus directing the Respondents to rectify and correct the licence fee status and self-assessment records maintained by the Directorate of Estates, including the erroneous entries reflecting outstanding licence fee dues of Rs 23,94,823/in the light of the ORDER DATED 29.01.2026, PASSED BY THIS HON'BLE COURT IN W.P.(C) 1230/2026, TITLED AS PATIL NILESH J VS. UNION OF INDIA & ORS.

iii. Issue a writ of mandamus directing the Respondents to return the house hold items which were illegally seized by the Respondents specially Directorate of Estate, after unlawfully breaking the lock of the petitioner's allotted quarter on 13.10.2025. As per Annexure P-11.

iv. Pass any other and further order(s) as this Hon'ble Court may



deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

7. Learned counsel for the petitioner submits that the impugned order was passed ignoring the fact that the petitioner had paid a sum of Rs.25,000/- as license fee on 18.09.2025 (the date in the payment receipt placed on record to this effect has been reflected as 23.09.2025 (Annexure P-8)). It is further submitted that the petitioner had also made a representation to the Directorate of Estates for retention of subject premises, however, without considering the same, the impugned order dated 11.07.2025 was passed. It is further submitted that in pursuance of the said order, the petitioner was forcibly evicted on 13.10.2025, and the respondents have also seized and taken into possession petitioner’s household goods and a complaint was filed with SHO, Lodhi Colony, on 26.12.2025 wherein, it is alleged by the petitioner that his household articles having approximate value of Rs.6 Lakhs were seized during the eviction proceedings, and therefore, appropriate action may be taken against the concerned respondents.

8. Heard learned counsel for the petitioner.

9. The impugned order dated 11.07.2025 reads as under:-

“Whereas, I, the undersigned, am satisfied for the reasons recorded below that the allottee is in unauthorised occupation of the Public Premises specified in the scheduled below:

Whereas, you are continuing to occupy public premises as specified in the schedule below even after the cancellation of allotment w.e.f. 01.02.2023 vide letter No: 1251/LRC/TBC/2023 dated: 31 .08.2023 issued by Directorate of Estates.

Whereas YOU have failed to prove your authorised occupation in r/o the aforesaid premises.



REASONS

Now, therefore, in exercise of the powers conferred on me under Sub-section (2) & (3) of Section 38 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, I hereby, order that the said Allottee and all persons who may be in occupation of the said premises or any part thereof to immediately vacate the said premises from the date of public tion of this order. In the event of refusal or failure to comply with this order, the said Allottee and all other persons concerned are liable to be evicted from the said premises, if need be, by use of such force, as fray be necessary.

If Shri/Smt BN TIWARI or his/her legal heirs challenges this eviction order in any court, then under sub-section (3A) of Section 7, he/she shall be liable to pay damage for every month for the residential accommodation held by him/her.”

10. It is further pertinent to note that the impugned order was passed way back on 11.07.2025. It is fairly admitted that there is no explanation given in the present petition for filing the same after a delay of 214 days.

11. A perusal of the record would reflect that license fee status as on 22.09.2025 shows total licence fee due from the petitioner as Rs.23,94,823/-.

12. It is also an admitted case that cancellation of allotment *vide* letter dated 31.08.2023 *w.e.f.* 01.02.2023 on account of ‘Non Receipt of License Fee’ was also not challenged by the petitioner. As per the record, the licence fee due from the petitioner as on 22.09.2025 was Rs.23,94,823/-, and he had made the payment of Rs.25,000/- on 23.09.2025 against the said sum. The said payment of Rs. 25,000/- on 23.09.2025 would not absolve the petitioner of his liability to pay the licence fee due and therefore, this Court finds no illegality in the impugned order.

13. Further, perusal of the complaint filed by the petitioner with SHO, P.S. Lodhi Colony, would reflect that serious allegations have been made against



the respondents with regard to forcibly taking away of his belongings including his jewellery weighing about 200 gms, and other household items valuing approximately Rs.6 Lakhs.

14. On a pointed query, learned counsel for the petitioner submitted that the latter has not made any representation to the respondents with respect to the aforesaid articles which were alleged to have been seized during eviction proceedings.

15. In these circumstances, the present petition is dismissed and disposed of.

16. However, the petitioner will be at liberty to move appropriate representation before the respondents with regard to return of goods, if any, seized by the respondents and to avail any other remedy as permissible in law *qua* the same before the Court of competent jurisdiction/appropriate Forum.

17. Pending application(s), if any, also stands disposed of accordingly.

18. The next date of hearing, *i.e.*, 16.09.2026 stands cancelled.

19. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 16, 2026/nk/ns