



2026:DHC:240-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 119/2021, CM APPL. 10965/2021 & CM APPL.
10966/2021

KANHYA LALAppellant
Through: Mr. Majedar Jangra, Adv.

versus

THE ESTATE OFFICER AND ANR.Respondents
Through: Mr. Viplav Acharya, SPC

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **09.01.2026**

C.HARI SHANKAR, J.

1. Aggrieved by judgment dated 25 September 2018 issued by a learned Single Judge of this Court in WP (C) 11635/2016¹, the petitioner in the writ petition has instituted the present Letters Patent Appeal.

2. We have heard Mr. Majedar Jangra for the appellant, and Mr. Viplav Acharya, learned SPC for the respondents.

3. WP (C) 11635/2016 challenged an order dated 7 October 2016 passed by the learned District Judge in PPA 90/2015, in his capacity as Appellate Officer under Section 9 of the Public Premises (Eviction

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Page 1 of 5



2026:DHC:240-DB



of Unauthorized Occupants) Act, 1971², dismissing the appeal preferred by the appellant against order dated 1 October 2015 of the Estate Officer under Section 5 of the PP Act. By the said order dated 1 October 2015, the appellant had been directed to vacate Quarter No. 45K, Sector 4, DIZ Area, Gol Market, New Delhi³.

4. The appellant had been employed as a Laboratory Attendant in the Intelligence Bureau. The allotted premises were in his occupation by virtue of his office. On receiving information that the appellant had sub-let the allotted premises, a surprise inspection was carried out, whereupon the allotted premises were not found to be occupied by any member of the appellant's family, but by Ms. Mithilesh and Mr. Radhey Lal. Ms. Mithilesh claimed to be the appellant's sister; however, as the impugned judgment notes, Ms. Mithilesh's father was Mr. Kanwar Singh, whereas the appellant's father is Mr. Narayan Singh.

5. Consequent on issuance of a show cause notice, proceedings under the PP Act were initiated against the appellant, culminating in the cancellation of his allotment and his eviction from the allotted premises.

6. In the challenge against the said decision, it was contended, by learned Counsel for the appellant, that Ms. Mithilesh was the sister of Mr. Radhey Lal and Mr. Hemant Kumar and that their father was a friend of the appellant's father. It was sought to be contended that Mr.

² "the PP Act" hereinafter

³ "the allotted premises" hereinafter



2026:DHC:240-DB



Radhey Lal, who was undergoing medical treatment at the proximate Ram Manohar Lohia Hospital, had only been visiting the appellant. The learned Single Judge has refused to believe this, as none of the appellant's family members was found in the premises at the time of inspection.

7. The learned Single Judge, in order, to elicit the truth, deemed it appropriate to himself verify the facts, and the result is apparent from the following passages from the impugned judgment:

“11. I have enquired in vernacular from the petitioner present in person about his family members. He states that his family comprises of his wife and six children, of which four are married and are not residing with him but two namely Preeti and Sonu and his wife are residing with him in the subject quarter. On enquiry, about the documents showing the address of Preeti and Sonu in their educational records, the petitioner now states that in fact Preeti and Sonu are residing in his village. On enquiry, about his village, he states that his village is in District Faridabad, Haryana and all his children are residing there. Mr. Parashar, Advocate prompts the petitioner to state that the wife of the petitioner travels between village in District Faridabad and the quarter. Now, Mr. Parashar, Advocate states that Preeti, daughter of the petitioner, is also due to be married in November, 2018 and thus the wife of the petitioner travels between the house in the village in District Faridabad and the quarter.

12. On enquiry from the petitioner, the floor on which Quarter No. 45P and 45K were/are situated, before the petitioner can answer, Hemant Kumar present in Court answers that Quarter No. 45P was on the third floor and Quarter No. 45K is on the second floor.

13. Mr. Radhey Lal who is present in Court does not appear to be in a position to, casually for a visit, climb second or third floor, while visiting the Hospital, unless was/is residing therein.

14. What has unfolded in this Court today alone is sufficient for this Court to be satisfied of the petitioner having sublet not only Quarter No. 45P earlier allotted to him but also Quarter No. 45K now allotted to him.



15. On enquiry, it is also disclosed that Radhey Lal, Hemant Kumar and Ms. Mithlesh are not married and have no children.

16. I have therefore no reason to interfere in exercise of jurisdiction under Articles 226 & 227 of the Constitution of India, with the factual findings of the Estate Officer and of the District Judge, of the petitioner having sublet the accommodation allotted to him. Rather, from the aforesaid it transpires that the petitioner has sworn false affidavit and made false verification while filing this petition and which behaviour does not behove especially from one who is working in the Intelligence Bureau.”

8. We see no reason to interfere with the above findings, which are factual in nature and disclose, *prima facie*, that the appellant had sublet his premises.

9. Mr. Jangra raises an additional grievance regarding recoveries having been effected from his client. It goes without saying that, if the appellant is liable to pay any amount owing to the misuse of the allotted premises, the law would apply against him with full vigour. Beyond this, the impugned judgment does not deal with any recoveries and we, too, do not deem it necessary to comment thereon.

10. We also find that the LPA has been preferred with an inordinate delay of 865 days. Except for blaming Counsel, who has also remained unnamed, there is no explanation worth the name, in the application seeking condonation of delay, which would persuade us to do so.

11. The Supreme Court has, in ***Rajneesh Kumar v. Ved Prakash***⁴, held that inordinate delay in approaching the Court cannot be wished



2026:DHC:240-DB



away merely by blaming Counsel.

12. Having heard Mr. Majedar Jangra and perused the material, and for the aforesaid reasons, we are not inclined to interfere with the impugned order dated 25 September 2018 passed by the learned Single Judge.

13. The writ petition is accordingly dismissed both on delay as well as on merits.

C.HARI SHANKAR, J

OM PRAKASH SHUKLA, J

JANUARY 9, 2026/AR