
(2000) 09 DEL CK 0039
In the Delhi High Court
Case No : C.W. No. 4034/98

Bhishma Narain Singh

APPELLANT

Vs

Estate Officer and Others

RESPONDENT

Date of Decision : 15-09-2000

Acts Referred:

Citation : (2000) 7 AD 1238 : AIR 2001 Delhi 36 : (2000) 88 DLT 456 : (2000) 56 DRJ 695

Hon'ble Judges : Manmohan Sarin, J

Bench : Single Bench

Advocate : Mr. R.K. Jain and Mr. D.K. Sinha, for the Appellant; Ms. Pinki Anand and Mr. Y.D. Nagar, for the Respondent

Judgement

Manmohan Sarin, J.—The petitioner had filed this writ petition, seeking quashing of the judgment/order dated 7.8.1998, passed by the Additional District Judge in P.P.A. No. 2/98, by which the appeal of the petitioner against the eviction order dated 19.12.1997 was dismissed.

2. The petitioner happens to be the former Governor of States of Assam, Tamil Nadu, Meghalaya and Arunachal Pradesh. Petitioner claims that on account of the duties discharged by him in the aforesaid assignments and public offices, there is a grave threat to his life from several terrorists bodies. The petitioner's case is that on account of security considerations, the petitioner had been allotted the flat No. C-1/1, Pandara Park, New Delhi by the Government. The petitioners was initially placed in "Z" security category. This was subsequently reduced to "Y" category.

3. The petitioner in this writ petition as well as in other writ petition bearing No. 1536/96 had challenged the categorisation of his security as "Y" category. The petitioner, Therefore, sought retention of this accommodation on the ground that if his security is assessed properly, he would be entitled to continue to occupy the present accommodation.

4. This Bench in CW. No. 100/98 titled Bhim Singh Vs. Union of India had noted the policy decision taken by the Central Government that even those persons with "Z" or "Z+" category were not entitled to Government accommodation. As per the latest policy decision of the Government of India, only those, who fall within the ambit of the Special Protection Group were eligible for the grant of Government accommodation.

5. Mr. R.K. Jain, learned senior counsel for the petitioner, very fairly submits that in view of this policy decision, the petitioner cannot persist with his claim for retention of the premises. It may be noted that petitioner is not eligible for Special Protection Group security. Learned counsel for the petitioner submits that petitioner, who is about 70 years of age, be granted sometime to make alternate arrangements for accommodation. Learned counsel submits that a period of six months be granted to make the necessary arrangements. Learned counsel for the respondent submits that petitioner has already had the benefit of extended stay and the time sought was rather too long.

6. Considering all facts, the petitioner is granted time up to 31.12.2000 to vacate the premises. The said extension would be subject to the petitioner filing an undertaking within two weeks from today to vacate the premises and handover its vacant possession to the concerned authorities. As to the question of charges payable for the occupation of the premises by the petitioner, learned counsel for the respondent submits that they have claimed market rent on the basis of unauthorised occupation after the termination of the allotment. Learned counsel for the petitioner submits that petitioner has been paying the charges at the usual rate. He submits that petitioner has already represented and would be moving a further representation to the Competent Authorities for being charged at the usual license fee rates. This question is left open to be determined by the respondent as per their applicable rules.

7. Learned counsel for the petitioner states that petitioner has sought alternate accommodation from the Government of India, which request is pending consideration. The apprehension of the petitioner is that the present undertaking should not come in the way of the Government considering the petitioner's request. It would be for the Government of India to consider the request made by petitioner on its own merit and as per its guidelines and policies.

8. The writ petition is dismissed with the aforesaid directions.