

(2003) 01 AHC CK 0181
In the Allahabad High Court
Case No : C.M.W.P. No. 3091 of 2003

Ram Vishal

APPELLANT

Vs

Executive Engineer and Another

RESPONDENT

Date of Decision : 22-01-2003

Acts Referred:

Citation : (2003) 1 AWC 843

Hon'ble Judges : Prakash Krishna, J;M. Katju, J

Bench : Division Bench

Advocate : P.K. Ganguly, for the Appellant;

Judgement

M. Katju, J.—The Petitioner is a draughtsman in the Irrigation Construction Division, U. P. Government. He has alleged that he was allotted an official accommodation on 25.10.2002 vide Annexure-2 to the writ petition but subsequently that allotment has been cancelled on 17.12.2002, without giving opportunity of hearing to the Petitioner.

2. In our opinion, there is no question of giving opportunity of hearing in such cases relating to official accommodation. Opportunity of hearing has to be given when a person has some right. An owner or tenant has a right but a licensee has no right. The occupant of an official accommodation is, in our opinion, neither the owner nor a tenant but is only a licensee of the said accommodation and hence, he has no right in that property. Hence, his allotment can be cancelled without giving any opportunity of hearing and there is no question of violation of natural justice in such cases. We, therefore, reject the submission of the learned Counsel for the Petitioner.

3. However, the Petitioner may make a representation regarding his grievance to the authority concerned who will look into the matter and pass appropriate orders.

4. The petition is disposed of accordingly.