
(2020) 03 CAT CK 0054

In the Central Administrative Tribunal

Case No : Original Application No. 940 Of 2018

Shekher Srivastava

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 11-03-2020

Acts Referred:

Citation : (2020) 03 CAT CK 0054

Hon'ble Judges : Aradhana Johri, Member (A)

Bench : Single Bench

Advocate : Prateek Tushar Mohanty, Dr. Ch. Shamsuddin Khan

Final Decision : Dismissed

Judgement

Aradhana Johri, Member (A)

1. This OA has been filed challenging the Eviction Order of the Directorate of Estates dated 14.07.2017 pertaining to Quarter No.B-096, Pandara Road, New Delhi which had been allotted to the applicant.

2. This case was heard today and Sh. Prateek Tushar Mohanty, learned counsel for the applicant and Dr. Ch. Shamsuddin Khan, learned counsel for the respondents offered their arguments.

3. A preliminary objection was raised by Dr. Ch. Shamsuddin Khan, learned counsel for the respondents that this OA is not maintainable since this Tribunal does not have the jurisdiction to quash orders passed under the Public Premises (Eviction of Unauthorized Occupant) Act, 1971.

4. The Hon'ble Apex Court in Union of India vs. Rasila Ram & Ors. [2001 (10) SCC 623] by its order dated 06.09.2000 held the following:-

"2. The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as the "Eviction Act") was enacted for eviction of unauthorised occupants from public premises. To attract the said provisions, it

must be held that the premises was a public premises, as defined under the said Act, and the occupants must be held unauthorised occupants, as defined under the said Act. Once, a Government servant is held to be in occupation of a public premises as an unauthorised occupant within the meaning of Eviction Act, and appropriate orders are passed thereunder, the remedy to such occupants lies, as provided under the said Act. By no stretch of imagination the expression, "any other matter," in Section 3(q)(v) of the Administrative Act would confer jurisdiction on the Tribunal to go into the legality of the order passed by the competent authority under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. In this view of the matter, the impugned assumption of jurisdiction by the Tribunal, over an order passed by the competent authority under the Eviction Act, must be held to be invalid and without jurisdiction. This order of the Tribunal accordingly stands set aside. The appeals are accordingly allowed."

A similar view has also been taken by the Hon'ble High Court of Delhi in Smt. Babli & Anr. Vs. Govt. of NCT of Delhi & Anr. [95 (2002) DLT 144] decided on 31.08.2001.

5. On 27.02.2018, this Tribunal directed that status quo with regard to the occupation of the said house shall be maintained. At this stage, learned counsel for the applicant prays that the applicant may be protected for one more week to enable him to approach the appropriate legal forum.

6. In the light of the above, this OA is dismissed with liberty as prayed for, to the applicant to approach the appropriate legal forum, if he so desires. It is made clear that one week's time will automatically come to an end on the seventh day from today. There shall be no order as to costs.