
(2002) 08 DEL CK 0096

In the Delhi High Court

Case No : CW No. 3836 and CM 6636 of 2001

Shri Chhiddi Singh

APPELLANT

Vs

Directorate of Estates and Others

RESPONDENT

Date of Decision : 16-08-2002

Acts Referred:

Public Premises (Eviction of Unauthorised Occupants) Act, 1971 — Section 5(1)

Citation : (2002) 08 DEL CK 0096

Hon'ble Judges : Manmohan Sarin, J

Bench : Single Bench

Advocate : M.T. Siddiqui, for the Appellant; R.V. Sinha and Rajesh, for Ansuya Salwan, for resp Nos. 2-4, for the Respondent

Final Decision : Dismissed

Judgement

Manmohan Sarin, J.—By this petition, petitioner, Chhiddi Singh, Sub-Inspector in the Delhi Police, seeks quashing of circular/letter dated 1.11.2000, issued by the Directorate of Estates, by which the Commissioner of Police, was called upon to hand over vacant possession of quarter bearing No. 1/257, Sadiq Nagar and 70/4, Type III, Sector-I, Pushp Vihar, M.B. Road, New Delhi in occupation of the personnel of Delhi Police within 30 days, failing which eviction proceedings would be initiated under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. Petitioner also sought quashing of subsequent proceedings/orders pursuant to the said circular.

2. Petitioner had been allotted by the Delhi Police quarter No. 70/4, Type III, Sector-I, Push Vihar, M.B. Road, one of the two quarters, referred to earlier. During the pendency of the writ petition, an eviction order dated 30.4.2001, u/s 5(1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 has also been passed by the state Officer in respect of quarter No. 70/4, Type III, Sector-I, Push Vihar, M.B. Road, New Delhi.

3. The facts in brief, giving rise to the present petition may be briefly noted:-

(i) Quarter No. 70/4, Type III, Sector-I, Push Vihar, M.B. Road, New Delhi of the general pool, had been allotted to Inspector Rameshwar Lal on 11.11.1980 by respondent No. 1, Directorate of Estates, when he was posted to CBI on deputation. On his retirement, he vacated the quarter on 31.10.1999 and possession of the same was handed over by him to Delhi Police. The Delhi Police allotted the said quarter to the petitioner, Chhiddi Singh vide order No. 15681-710/Q.A.Cell/C.III/PHQ dated 28.10.1991. Petitioner continued to occupy the said quarter. Respondent No. 1, Directorate of Estates claims that the said allotment by the Delhi Police to its personnel was without its consent. The quarter being of general pool should have reverted back to respondent No. 1, Directorate of Estates. Respondent No. 1, vide its letter dated 27.4.2001, requested the Delhi Police to hand over the quarter to it.

4. Delhi Police in turn made a request to respondent No. 1 that quarter of similar type from the police pool would be surrendered to the general pool in lieu thereof as and when available. There was correspondence between the Delhi Police and Directorate of Estates on the subject. Respondent No. 1 was notified that there was no suitable quarter and as and when a quarter would fall vacant or an allottee vacates or retires, the same would be handed over. In the event, vide letter of September, 1996, quarter Nos. 33 and 34, Type III, P.S. Nangloi were offered to respondent No. 1 for the general pool in lieu of two quarters, namely, quarter No. 70/4, Type III, Sector-I, Push Vihar, M.B. Road and quarter No. 1/257, Sadiq Nagar, New Delhi. The Directorate of Estates found the said quarters unacceptable as no Central Government general pool allottee would have accepted the quarters in the Nangloi police station area. The Delhi Police was again requested by respondent No. 1 vide its letters dated 21.9.1998, 17.3.1999 and 22.4.1999 to place quarter in central area in lieu of general pool accommodation allotted by it to the petitioner. The Delhi Police replied that as and when the accommodation becomes available in the centrally located area, the same would be given to the Directorate of Estates. This impasse has continued from 1994 till date.

5. It is the case of respondent No. 1 that from 1996 to 2001, Delhi Police has not been able to return or hand over suitable accommodation to the Directorate of Estates in lieu of general pool accommodation retained. In the circumstances, respondent No. 1 issued the letter dated 1.11.2000, whereupon, petitioner filed the present petition in January, 2001, when eviction order dated 30.4.2001 had also been filed.

6. Notice was issued in the writ petition and an interim order, restraining dispossession was passed. During the course of writ proceedings, Delhi Police took up the plea that they had already handed over two quarter Nos. 33 and 34, Type III, P.S. Nangloi to the Directorate of Estates, as also offered another government quarter No. 4, Type III, Police Station Shalimar Bagh in lieu of general pool accommodation. Counsel for respondent No. 1 states that the quarters offered have not been found acceptable.

7. From the foregoing narration of facts and events, the position, which emerges is that the quarter in question, a general pool accommodation, had been initially allotted to a police personnel, Mr. R.L. Sharma, who was on deputation to CBI. On his retirement, the accommodation was retained by the Delhi Police and was allotted by it to its personnel. The Directorate of Estates had taken a reasonable posture of being willing to accept in accordance with the policy for exchange, a quarter from the police pool accommodation in lieu of quarter in question from general pool. For a long time, no accommodation was offered for exchange and when it was offered, it was offered next to the police station and in areas, which were not comparable and acceptable to the Directorate of Estates. Over 8 years went by in this process. In these circumstances, the exchange of a quarter in lieu does not seem feasible. Respondent No. 1, Directorate of Estates cannot be faulted with for initiating proceedings for eviction. I, Therefore, find no illegality or error of jurisdiction, warranting interference in writ jurisdiction with the order passed. Learned counsel for the petitioner at this stage makes a plea that petitioner, who is retiring in January, 2003 be permitted to retain the accommodation and that quarter would be handed over on his retirement. It is for the petitioner to make a suitable representation to the respondent No. 1 and it is for respondent No. 1 to consider the same.

The writ petition is, accordingly, dismissed.