

(2002) 11 DEL CK 0128
In the Delhi High Court
Case No : CW. No. 7824 of 2001

Sohan Lal

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 15-11-2002

Acts Referred:

Citation : (2003) 66 DRJ 509

Hon'ble Judges : Manmohan Sarin, J

Bench : Single Bench

Advocate : Balwant Singh, for the Appellant; Pradeep Trehan, for the Respondent

Final Decision : Dismissed

Judgement

Manmohan Sarin, J.—Rule.

With the consent of the parties, the writ petition is taken up for disposal.

2. Petitioner by this writ petition challenges the order dated 10.12.2001, passed by the Additional District Judge, dismissing the appeal of the petitioner. An order of eviction had been passed pursuant to the order of cancellation of allotment of the quarter in favor of the petitioner.

3. Learned counsel for the petitioner submits that the cancellation of the allotment of the petitioner was not proper as the petitioner had not sub-let the premises. The Authorities had carried out an inspection on 28.4.2000, when one Shri Rajender with his family was found to be staying in the quarter allotted to the petitioner. The occupant duly signed the said inspection report. He claimed to be a friend of the petitioner. It is the respondents' case that thereafter a public notice was taken out, calling upon all employees to remove the breaches and any sub-letting or parting with possession of public premises by 15th August, 2000. Respondents thereupon again carried out inspection on 26th August, 2000 of other premises including that of the quarter allotted to petitioner. Again, the said Rajender was found to be staying in the quarter while the petitioner was not

there.

4. Petitioner's case before the authorities is that he is a native of Bulandshar and his wife and two children were staying there while one son lived with him in the quarter. Therefore, petitioner denies the factum of subletting. However, before the Director of Estates, he never denied the presence of Sh. Rajender, rather stated that he had nothing else to say. In these circumstances, the allotment of the petitioner was cancelled. Thereafter, proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, were initiated and an order of eviction was passed. This order was challenged before the ADJ who dismissed the appeal holding that the cancellation was proper and the cancellation order had not been challenged before the appropriate forum.

Be it may, I have heard learned counsel for the petitioner, who wanted to address me on merits also. He submits that the said Rajender who was found staying in the quarter was his friend and came to house frequently. Petitioner was asked to explain the vocation and status and personal details of Rajender, who was claimed to be a personal friend staying with the petitioner.

5. Petitioner's affidavit only mentions that Rajender was his friend. Despite several opportunities being given, petitioner has not been able to give any further details about Rajender's vocation, residence or any other particulars of said friend Rajender. It may be noted that inspection note records that Rajender was residing in the premises as a tenant for the last two years or so. Although, in writ proceedings, I am not required to either revisit the findings of fact or reappraise the evidence, in the instant case, petitioner has not been able to satisfy me that the person who was found to be occupying and residing in the premises on two different occasions was his friend. Neither any particulars or vocation of the said person or further details have been made. The plea of petitioner does not inspire any confidence or credibility. IN these circumstances, it cannot be said that the order passed by the Authorities holding it to be a case of subletting is vitiated by any infirmity. No ground is made for interference in exercise of writ jurisdiction of this Court. The petition is dismissed.