



\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 18032/2024 & CM APPL. 76674-76675/2024**

PROF NAZIM HUSAIN JAFRI AL JAFRIPetitioner

Through: Mr. Ankit Jain, Ms. Devika Mohan,
Mr. Shailesh Tiwari, Ms. Apurva
Tyagi, Advocates

versus

JAMIA MILLIA ISLAMIARespondent

Through: Mr. Pritish Sabharwal, Standing
Counsel for JMI
Mr. K.K. Mishra, ASC for JMI
(through VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **30.12.2024**

CM APPL. 76675/2024(for exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application stands disposed of.

W.P.(C) 18032/2024 & CM APPL. 76674/2024

3. The present writ petition has been filed seeking the setting aside of the order dated 24.12.2024, by virtue of which the Respondent has directed the Petitioner to vacate and pay use and occupation charges for the occupation of Quarter No. A -109, Khan Abdul Khan Ghaffar Enclave, Jamia Millia Islamia.
4. Vide CM APPL. 76674/2024 the petitioner also seeks an ad-interim stay on the operation of the order dated 24.12.2024 which becomes effective as on 31.12.2024.



5. Issue notice.

6. Mr. K.K. Mishra, Additional Standing Counsel for the Respondent University accepts notice.

7. He states that he seeks time to obtain instructions and will file his reply within one week. He requests that the matter be taken up by the Roster Bench upon re-opening.

8. Mr. Ankit Jain, learned counsel for the Petitioner states that the office order dated 24.12.2024 has been issued in complete disregard of the order dated 13.10.2024 of the Officiating, Vice Chancellor of Respondent University permitting the Petitioner herein to occupy the aforesaid Quarter No. A-109 until Petitioner's superannuation.

8.1 He states that no prior notice was issued to the Petitioner with respect to the vacation of the Quarter No. A-109, and the period of one week granted vide office order dated 24.12.024 is extremely short, considering that the Petitioner is not otherwise a resident of Delhi and is still on rolls of the University until 30.06.2025.

9. In reply, learning Additional Standing Counsel for the Respondent states that Quarter No. A-109 is specifically reserved for the office of the Pro Vice-Chancellor and/or the Finance Officer and/or the Registrar and/or the Controller of the Examination.

9.1 He states that since the Petitioner's tenure as the Registrar of the University expired on 27.04.2024, the Petitioner ought to have vacated the said quarter.

9.2 He states that the Respondent is willing to allot a different quarter to the Petitioner as per his eligibility under the applicable Rules; these are the quarters which are ordinarily allotted to the Professors.



9.3 He states that quarter which the Respondent is willing to offer to the Petitioner is in a good condition and the details of the quarter which the Respondent is in a position to offer will be communicated on or before 06.01.2025.

9.4 He states that since the Respondent is in urgent need of Quarter No. A-109, therefore, the Petitioner be directed to vacate the said quarter at the earliest.

9.5 In response, learned senior counsel for the Petitioner states on instruction that Petitioner is willing to peacefully vacate and handover possession of the quarter on or before 31.01.2025.

10. Keeping the view of the rival submissions of the parties as well as the letters dated 11.10.2024 which has the order of the Officiating, Vice-Chancellor dated 13.10.2024 endorse thereon, the Petitioner is granted time until 31.01.2025 to vacate the premises.

11. The Respondent is directed to give details of the alternate quarter to the Petitioner on or before 06.01.2025.

12. It is made clear that Petitioner will not be granted any extension, for any reason whatsoever. And in case the Petitioner fails to vacate the quarter on or before 31.01.2025, it will become liable for payment of the demand of damages as per office order dated 24.12.2024. However, if the Petitioner vacates the premises within the time sought i.e., 31.01.2025, the issue of the liability of the Petitioner to make payment of damages demanded vide order dated 24.12.2024 shall be considered on the next date of hearing in accordance with rules.

13. In view of the directions issued hereinabove, the Respondent is directed not to make any recovery until 31.01.2025.



14. The aforesaid directions have been passed accepting the undertaking of the Petitioner that it shall vacate the Quarter on or before 31.01.2025.
15. The Petitioner will file an undertaking in terms of the order passed today within on or before 05.01.2025 with an advance copy to the counsel for the Respondent.
16. In case, the Petitioner fails to file the undertaking, the Respondent will be at liberty to take coercive action including eviction in accordance with Rules and the present order shall stand discharged without seeking any reference to this Court.
17. List before roster Bench on **03.02.2025** to verify the compliance of this order.
18. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 30, 2024/mt/AKT
Click here to check corrigendum, if any