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

+ W.P.(C) 2399/2017 & CM 10351/2017

SUREDNER SINGH RAO

..... Petitioner

Through: Mr.Jai Sahai Endlaw, Mr.Mahavir
Singh, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS..... Respondents

Through: Ms.Malvika Trivedi, ASC with Ms.S.
Dutta, Advocate for respondents no.1
and 2.

Ms.Ruchi Jain, Advocate for
respondent no.3

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **05.12.2017**

1. The petitioner working as Director Enforcement with NDMC retired on 31st January, 2013. The petitioner was thereafter appointed as an Advisor (Law and Estate) till 31st December, 2014. During the course of his service, the petitioner was allotted quarter No.1, Type 5, Electric Sub-station, Golf Links, New Delhi.
2. Vide notice dated 10th February, 2015, NDMC called upon the petitioner to vacate the subject premises within one week. In March, 2015, the eviction proceedings were initiated against the petitioner under Sections 5 and 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 which resulted in an eviction order on 27th May, 2015. The petitioner preferred an appeal under Section 9 of the Public Premises Act which was dismissed on 4th March, 2017.



3. On 1st July, 2015, the petitioner was appointed as Additional Private Secretary to a Cabinet Minister and he is seeking retention of the aforesaid accommodation.

4. Learned counsel for respondent no.1 submits that the petitioner has no *lis* with respondent no.1 and therefore, the petitioner is not entitled to retain the subject premises. It is further submitted that the petitioner's claim for accommodation is against the Central Government.

5. Learned counsel for Union of India submits that a flat is available with NDMC for inter-pool exchange and the same has been communicated to NDMC who have not taken any decision in that regard.

6. This Court is of the *prima facie* view that the Union of India has to take a clear stand as to whether the petitioner is entitled to official accommodation and if so, whether an accommodation of equivalent status can be allotted to the petitioner for inter-pool exchange, according to the rules. The contention of respondent no.1 that some other accommodation is available with respondent no.1 for inter-pool exchange does not appear to be a proper approach in this matter. In W.P.(C) No.4154/2014 which was listed on 4th December, 2017, the offer of allotment of a general pool residential accommodation was placed on record by Union of India for inter-pool exchange.

7. In view of the above, the Ministry of Urban Development is directed to take a clear decision as to whether the petitioner is entitled to an official accommodation of the category of residential accommodation being occupied by him, according to the rules. If the Ministry of Urban Development finds that the petitioner is entitled to the official accommodation of the category in which the petitioner is occupying the quarter in Golf Links, the Central Government shall consider whether general pool residential accommodation of the same category can be allotted



to the petitioner according to the rules for inter-pool exchange. The decision of the Ministry of Urban Development in this regard be taken within a period of two weeks from today and the same be placed before this Court on the next date of hearing.

8. The competent officer of Ministry of Urban Development shall remain present in Court along with original relevant records on the next date of hearing.

9. List for further hearing on 20th December, 2017.

10. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

DECEMBER 05, 2017

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