

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

O.A. No.2036 of 1995

Dated New Delhi, this 28th day of February, 1996.

HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

R. K. Sharda
S/o Shri R. L. Sharda
R/o A-2359, Netaji Nagar
NEW DELHI-23.

... Applicant

By Advocate: Shri V. K. Rao

versus

1. The Union of India, through
Secretary
Ministry of Urban Development
Nirman Bhawan
NEW DELHI.

2. The Assistant Director of Estates(TCC)
Nirman Bhawan
NEW DELHI.

3. Shri P. M. Misra
Estate Officer
Director of Estates
Nirman Bhawan
NEW DELHI.

... Respondents

By Advocate: Mrs Pratima K. Gupta

O R D E R (Oral)

Mr K. Muthukumar, M(A)

Heard the learned counsel for the parties in this case. The matter is relatively a simple one and is being disposed of by this order at the admission stage itself.

2. The application is filed against the order of the respondents cancelling the allotment of quarter No.A-2359, Netaji Nagar, New Delhi allotted to the applicant. This cancellation is also followed by an

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order issued under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 for the eviction of the applicant on the aforesaid premises. The ground for cancellation of this allotment is that the applicant has authorisedly constructed a room on the roof top of the aforesaid premises.

3. The learned counsel for the respondents draws my attention to paragraph-1 of the counter reply which says that the reason for cancellation should be read as unauthorised construction in the service lane instead of on the roof of the quarter allotted to the applicant. The learned counsel for the respondents also draws my attention to the report of the CPWD dated 11.8.94 (Annexure R-1 to the counter) which says that unauthorised construction of room behind the service lane adjacent to the applicant's premises A-2359, Netaji Nagar, New Delhi is being done by the allottee. Thus, it is apparent on the face of the record that eviction under Public Premises (Eviction of Unauthorised Occupants) Act, 1971 for cancellation of the allotment was initiated on a mistaken ground and, therefore, it cannot sustain.

4. In view of these, orders dated 2.3.1995 and 21.8.1995 (Annexures A-1 & A-2) are set aside. It is, however, open to the respondents to initiate

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fresh action if so advised, in accordance with law.

5. With these directions, the application is disposed of without any order as to costs.



(K. Muthukumar)
Member(A)

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