

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI

AND

HON'BLE SRI JUSTICE ALOK KUMAR VERMA

WRIT PETITION (PIL) NO. 144 OF 2022

21ST FEBRUARY, 2023

BETWEEN:

Sunil Prasad BhattPetitioner.

And

State of Uttarakhand & othersRespondents.

Counsel for the Petitioner : Mr. Mahavir Kohli, learned counsel.

Counsel for the Respondents : Mr. S.S. Chaudhary, learned Brief Holder.

The Court made the following:

JUDGMENT:(per Hon'ble The Chief Justice Sri Vipin Sanghi)

Issue notice. Learned counsel appears and accepts notice on behalf of the respondents.

2. The petitioner has preferred the present writ petition in public interest claiming that there are several persons who are in illegal occupation of the government residences under Pooled Housing Scheme at New Tehri. The petitioner seeks a direction to the respondents to evict the illegal occupants, and also to recover rent from them as per the Rules.

3. Along with the petition, the petitioner has placed on record information obtained under the Right to Information Act. These informations date back to the year 2019. Considering the passage of time, we are not inclined to act on

the basis of said information. The petitioner has also placed on record one instance of the year 2021, where notice has been issued to Mr. Rakesh Rana, Retired Administrative Officer, Election Office, New Tehri, dated 04.01.2021, from whom recovery is sought to be made of penal rent. According to the petitioner, the respondents are not taking any effective steps to either get the unauthorized occupants evicted, or recover occupational charges/ penal rent from the illegal occupants.

4. Government accommodation is meant to be occupied by government servants who are entitled to the same under the Rules. It is not uncommon to see government accommodation not being vacated by the government servants once they retire, or are transferred, and they continue to hold the accommodation even after their entitlement thereto has come to an end; without obtaining any extension, or; without making payment for their continued occupation. In our view, this creates difficulties for others who may become entitled to allotment of such accommodations. Government accommodation is allotted to government servants near to their place of work/ posting, so as to enable them to discharge their duties and responsibilities efficiently and effectively. Non-availability of government accommodation to those, who are entitled to it, is bound to impact the efficiency and functioning of government

servants who are denied such accommodation due to their occupation by unauthorized occupants.

5. We, therefore, dispose of this writ petition with a direction to the Secretary, Uttarakhand State Estate Department, to compile information in respect of all government accommodations which are in unauthorized occupation; to compute penal charges/ rent payable by such unauthorized occupants for the accommodation unauthorizedly held by them; to initiate proceedings for eviction of such unauthorized occupants of government accommodations, if not already done, and; to recover penal charges from such unauthorized occupants. Steps in these terms should be taken within four weeks under intimation to the petitioner. In case, the respondents do not act, it shall be open to the petitioner to seek revival of this petition.

6. The writ petition stands disposed of in the aforesaid terms.

7. Pending application, if any, also stands disposed of.

(VIPIN SANGHI, C.J.)

(ALOK KUMAR VERMA, J.)

Dated: 21st February, 2023

NISHANT