

THE COURT OF THE ESTATE OFFICER

E.O/178/2023

UNIVERSITY OF DELHI
COMPLAINT NO. 01/2023

ORDER UNDER SUB-SECTION (1) SEC.5 OF THE PUBLIC
PREMISES
(EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971

Ref. No. E.O/178/2023

To

Prof. (Retd.) Tribhuwan Prasad
R/o Type V, Flat No. 38/5 (F/F)
Probyn Road, University of Delhi
Delhi 110007

EVICTION ORDER

Whereas I, the undersigned, am satisfied for the reasons recorded below Prof. (Retd.) Tribhuwan Prasad is in unauthorized occupation of the Public Premises specified in the schedule below:-

1. That the present complaint has been filed by the Joint Registrar (Estate) against the Respondent as the Respondent is in unauthorized possession of the premises viz. Type V, Flat No. 38/5 (F/F), Probyn Road, University of Delhi Delhi 110007 since 01st July 2022 to till date. It is not under dispute that this property belongs to the University of Delhi.
2. That the respondent was permitted to retain the Schedule Premises for a period of 3+3 months from 01.01.2022 to 30.06.2022 on the terms and conditions as per University of Delhi Rules. Respondent was also intimated that no further extension will be permitted beyond 30.06.2022.

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Copy to: - S.O (Estate)

M/o. Joojay
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3. That the Joint Registrar (Estate) served two notices on 26.09.2022 and 29.10.2022 to Prof. (Retd.) Tribhuwan Prasad and requested to vacate the schedule premises immediately as the period of stay in the schedule premises has expired on 30.06.2022 and the right of the respondent to continue in the said premises came to an end and thus he was under an obligation to vacate the said premises being unauthorized occupant.
4. That since the respondent is in unauthorized possession of the property in question since 01.07.2022, and based on the complaint No.01 of 2023 from Joint Registrar (Estate)/Complainant, the Estate Officer issued notices under sub-section (1) and clause (b) (ii) of the sub-section (2) of Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 to the respondent calling him as to why an order of eviction should not be made against him.
5. A Notice dated 27.01.2023 under sub-section 1 of section 4 of the public premises (Eviction of unauthorized occupants) Act, 1971 No. E.O./173/2023 dated 27.01.2023 was served to appear before the Estate Officer, University of Delhi for a personal hearing on 30.01.2023 at 11:30 a.m. but no personal hearing was made.
6. That further a notice dated 31.01.2023 no. EO/174/2023 was served to give a second chance to appear before the Estate Officer, University of Delhi for a personal hearing on 01.02.2023 at 04:30 pm. but no personal hearing was made.
7. That further a notice dated 01.02.2023 no. EO/175/2023 was served to give a third & final chance to appear before the Estate Officer, University of Delhi for a personal hearing on 03.02.2023 at 03:30 pm. The Respondent appeared before the Estate Officer but he failed to defend his unauthorized occupation of University accommodation & non-payment of dues and was also unable to produce proper facts, proof, and reasons.

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Reasons

8. After a careful perusal of the complaint, it has been noticed that the Respondent's period to retain the schedule premises had expired on 30.06.2022. Further on 26.09.2022 and 29.10.2022, the complainant had requested to the respondent to vacate the premises immediately. The right of the respondent to continue in the premises came to an end on 30.06.2022 after completion of six months and thus she was under an obligation to vacate the said premises.
9. That, further there is a long pending queue of the officials/employees of the University who are waiting for allotment/possession of University flat/bungalow and are in dire need of accommodation and therefore, any unauthorized occupant as is the respondent creates hurdles in the functioning of the administration and therefore, is an act grave misconduct. Such an act of respondent after serving for so many years in the institution calls for an introspection.
10. That, upon the approval of the Competent Authority of the University to initiate the eviction proceeding against the respondent regarding the recovery of possession of the Scheduled premises of the University bearing Type V Flat No. 38/5 (F/F), Probyn Road, University of Delhi Delhi 110007, this Complaint has been filed before this Court.
11. That I have gone through the Complaint and the documents filed by the Joint Registrar (Estate). The University of Delhi had allowed the Respondent to occupy and to continue on the scheduled subject premises for 3+3 months as per rules of the University. Once the allotment period

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came to an end after completion of six months, the Respondent was not entitled to continue in the said premises. Despite giving several notices to the Respondent, he has not vacated the scheduled premises. Thus I am of the opinion that the Respondent is in unauthorized occupation of the public premises specified in the Schedule.

Now, therefore, in exercise of the powers conferred on me under sub-section (1) of the section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and after careful examination of the submission made by the respondent. I hereby order the said Prof. (Retd.) Tribhuwan Prasad, and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises on or before 28th February 2023. In the event of refusal or failure to comply with this order within the period specified above the said Prof. (Retd.) Tribhuwan Prasad and all other persons, concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

I hereby also direct the Respondent to clear all pending dues at the earliest but not later than 28.02.2023, failing which the eviction process shall be initiated including disconnection of electricity and water supply on 01.03.2023.

Schedule

**Type V, Flat No. 38/5 (GF)
Probyn Road, University of Delhi
Delhi 110007**

Date: 3rd February 2023

