

\$~42

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

% Judgment delivered on: 22.02.2022

+ **W.P.(C) 3258/2022 & CM. APPLS. 9466-67/2022**

KANCHANA RAI

..... Petitioner

versus

RAJYA SABHA SECRETARIAT & ORS.

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Sandeep Sethi, Senior Advocate with Mr. D. Abhinav Rao, Advocate.

For the Respondent: Ms. Tatini Basu, Standing Counsel for Rajya Sabha Secretariat with Mr. Mahesh Tiwari, Joint Secretary

Mr. Anil Grover, Standing Counsel with Ms. S. Chatterjee and Mr. Piyush jain Advocate for respondent no. 2.

Mr . Vikas Singh, Senior Advocate with Mr. Varun Singh, Ms. Nimisha Pandey, Mr. Abhijeet Pandey and Ms. Alankriti, Advocates for respondent No.3.

Mr. KK Rai, Senior Advocate with Mr. Anshul Rai Advocate for Ranjit Sharma.

Mr. Shravan Shankar, Advocate for Ms. Uma Devi.

Mr. Ravi Sharma, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.

2. Petitioner *inter alia* seeks setting aside of letter dated 16.02.2022, issued by respondent No.1, Rajya Sabha Secretariat to the New Delhi Municipal Council (NDMC), directing the NDMC to disconnect electricity and water supply at Bungalow No.4, Safdarjung Lane, New Delhi. Petitioner also seeks a direction to the respondents not to take coercive steps against the petitioner and her family members residing at Bungalow No.4, Safdarjung Lane, New Delhi.

3. Late Dr. Mahendra Prasad, a seven-time Member of Parliament, was allotted the said accommodation. Dr. Mahendra Prasad passed away on 27.12.2021, while holding the office of Member of Parliament, Rajya Sabha.

4. Petitioner is the daughter-in-law of Dr. Mahendra Prasad, being the wife of his pre-deceased son. As per the petitioner, she was residing with Dr. Mahendra Prasad in the said premises and taking care of him.

5. Mr. Shravan Shankar, Advocate intervenes on behalf of Mrs. Uma Devi and states that Mrs. Uma Devi is residing in the said premises along with the petitioner and is the wife of late Dr. Mahendra Prasad.

6. It is disputed by learned senior counsel appearing for respondent No.3, Smt. Satula Devi that either Ms. Kachana Rai is residing in the said premises or Mrs. Uma Devi is the wife of late Dr. Mahendra Prasad. It is contended that respondent No.3 is the wife of Dr. Mahendra Prasad and the mother-in-law of the petitioner.

7. Without prejudice to the above, learned senior counsel for the petitioner as also learned counsel appearing for Mrs. Uma Devi undertake that they and their family members shall vacate and handover the peaceful vacant possession of the said accommodation i.e., Bungalow No.4, Safdarjung Lane, New Delhi along with servant quarter No.129, South Avenue, New Delhi to the Rajya Sabha Secretariat on or before 21.03.2022.

8. They further undertake that they shall also pay to the concerned authorities the use and occupation charges for the period 27.01.2022 till 26.2.2022 @ Rs.1,49,900/- and also pay the proportionate use and occupation charges from 27.02.2022 to 21.03.2022 @ Rs.1,79,880/- (i.e., Rs. 1,49,900 + 20%).

9. They further undertake that they shall pay the water, electricity, gas, telephone and other charges as payable in respect of the said premises till the time they vacate and handover the peaceful vacant possession of the said premises to respondent No.1.

10. They further undertake that they shall not sub-let, assign or part with the possession of the premises or any portion thereof to any third party.

11. They undertake that they shall not cause any damage to the premises and shall handover the same in the same condition as existing today.

12. The undertaking is accepted. Let an affidavit of undertaking in the above terms be filed by tomorrow.

13. In view of the above, the NDMC is directed to restore the electricity supply of the subject premises forthwith.

14. It is clarified that in case the petitioner or Mrs. Uma Devi fail to file the affidavits of undertaking or comply with the undertaking, respondent No.1 would be at liberty to take appropriate coercive action to secure vacation of the premises and/or recover the dues, if any.

15. It is further clarified that this Court has neither considered, nor commented upon the merits of the dispute between the petitioner, respondent No.2 and Mrs. Uma Devi and this order shall not be construed as conferring any special rights in favour of either of them in any other proceedings.

16. Petition is disposed of in the above terms.

17. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through e-mail by the Court Master.

FEBRUARY 22, 2022
NA

SANJEEV SACHDEVA, J