

GAHC040005932021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C) 201/2021

1:Likha Kaye
S/O Likha Tado r/o Papu - II, PO PS Naharlagun Papum Pare Distt, AP

VERSUS

1:The State of AP and Others
represented by CS, Govt. of AP

2:The Secretary Housing Govt. of AP. Itanagar

3:The Director Housing Govt. of AP Itanagar

4:Miti Borang R/O E-Sector NLG PO/PS NLG Arunachal Pradesh

Advocate for the Petitioner : M Nibo

Advocate for the Respondent : GA
P Taffo SC(UD & Housing)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 29-06-2021

Heard Mr. M. Nibo, learned counsel appearing on behalf of the petitioner.

Also heard Mr. I. Riram, learned Addl. Senior Government Advocate, representing the Respondents No. 1 & 2; and Mr. P. Taffo, learned standing counsel, UD & Housing, Government of Arunachal Pradesh, representing the Respondent No. 3.

Considering the nature of the order that I propose to pass today, no notice is required to be issued to the private respondent No. 4.

This writ petition under Article 226 of the Constitution of India, is directed against the order, dated 16.04.2021, issued by the Secretary(Housing), Government of Arunachal Pradesh, Itanagar, vide Memo. No. DOH/ACCOM-22/12-13(VOL-III), whereby the private respondent No. 4/Smt. Miti Borang, who is stated to have retired on 30.03.2021, on attaining the age of superannuation, has been allowed to retain the Quarter No. 252, T-II, located at E-Sector, Naharlagun, for a period of 8(eight) months w.e.f. 01.04.2021 till 30.11.2021.

Challenging the aforesaid extension order for retention of the Quarter No. 252, T-II, located at E-Sector, Naharlagun, by 8(eight) months, to the Respondent No. 4 till 30.11.2021; the petitioner contends that the Quarter No. 252, T-II, located at E-Sector, Naharlagun, have already been allotted to him by the Director(Housing), Government of Arunachal Pradesh, Itanagar, vide allotment order, dated 22.02.2021, vide Memo. No. DOH/ACCOM-22/12-13(VOL-III), issued on 03.03.2021, on retirement of the private respondent No. 4, the earlier occupant of the said Quarter, from service on 30.03.2021, and under the prevalent Rules, the retention of the Quarter No. 252, T-II, located at E-Sector, Naharlagun, cannot be allowed for a period of 8(eight) months as has been done in the instant case.

Mr. Riram, learned Addl. Senior Government Advocate, representing the Secretary(Housing), Government of Arunachal Pradesh, and Mr. Taffo, learned standing counsel, UD & Housing, representing the Director(Housing), Government of Arunachal Pradesh, while admitting the correctness of the contention raised by the petitioner, have submitted that though it is not permissible for the respondents to

issue an order for retention of the Quarter No. 252, T-II, located at E-Sector, Naharlagun, by 8(eight) months, however, in the instant case, the same has been done on humanitarian ground by taking into account, the prayer of the Respondent No. 4 for retaining the Quarter No. 252, T-II, located at E-Sector, Naharlagun, by another 8(eight) months on account of her husband's suffering from cancer.

The learned State counsels have further submitted that they have the instruction from the authorities concerned that after the expiry of the retention period of the Quarter No. 252, T-II, located at E-Sector, Naharlagun, by 8(eight) months till 30.11.2021, no further extension for retention of the quarter, in question, would be given to the Respondent No. 4 and the possession of the said Quarter No. 252, T-II, located at E-Sector, Naharlagun, which has already been allotted to the petitioner by the competent authority, would be handed-over to him after the expiry of the retention period of the Quarter No. 252, T-II, located at E-Sector, Naharlagun, i.e. 30.11.2021.

Mr. Nibo, learned counsel for the petitioner, on such specific assurance given by the learned State counsels that the Quarter No. 252, T-II, located at E-Sector, Naharlagun, would be handed-over to the petitioner after the expiry of the retention period of 8(eight) months i.e. 30.11.2021, has submitted that the writ petition may be disposed of by directing the respondents not to issue any further retention order in favour of the private respondent No. 4 against the Quarter No. 252, T-II, located at E-Sector, Naharlagun, after the expiry of the retention period of 8(eight) months w.e.f. 01.04.2021 to 30.11.2021, and the petitioner be thereafter allowed to take possession of the said quarter immediately after 30.11.2021.

In the light of the submissions advanced by the learned counsels and having taken note of the specific assurance given by the learned State counsels that the Quarter No. 252, T-II, located at E-Sector, Naharlagun, would be handed-over to the petitioner after the expiry of the retention order i.e. 30.11.2021, which assurance have been accepted and agreed to by the learned counsel for the petitioner; the instant writ petition is disposed of at the motion stage itself by directing the respondent authorities namely, the Secretary(Housing), Government of Arunachal Pradesh, Itanagar, and the Director(Housing), Government of Arunachal Pradesh, Itanagar, to allow the petitioner to take possession of the Quarter No. 252, T-II, located at E-Sector, Naharlagun, as allotted to him vide allotment order, dated 22.02.2021, issued by the Director(Housing), Government of Arunachal Pradesh, Itanagar, vide Memo. No. DOH/ACCOM-22/12-13(VOL-III), as soon as the extension period of 8(eight) months for retention of the quarter, in question, expires on 30.11.2021.

The writ petition stands disposed of in terms above.

JUDGE

Comparing Assistant