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* **IN THE HIGH COURTOF DELHIAT NEWDELHI**

% ***Judgment reserved on: 07.08.2026***
Judgment pronounced on: 27.10.2026

CNR No. DLHC010655592019

\+ W.P.(C) 2850/2019

SMT. MISHRI DEVI AND ANR. .....Petitioners

Through: Mr. Robin Ratnakar David, Senior Advocate along with Mr. Neiting Khongsai, Mr. Ankit Siwach, Mr. TPS Makkar and Mr. Vishal Thakur, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR. .....Respondents

Through: Mr. Yoginder Handoo, ASC along with Mr. Ashwin Kataria, Mr. Garvit Solanki, Mr. Aditya Aggarwal and Mr. Gaurav Vishwakarma, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Petition has been preferred under Articles 226 and 227 of the **Constitution of India**[1], assailing the **Order dated 14.01.2019**[2] passed by the **learned Principal District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi**[3],

[1] Constitution
[2] Impugned Order
[3] learned Appellate Court

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whereby the Appeal preferred by the Petitioners under Section 9 of the **Public Premises (Eviction of Unauthorised Occupants) Act, 1971**[4] against the Order dated 09.11.2017 passed by the learned Estate Officer, **New Delhi Municipal Council**[5], came to be dismissed.

2. By way of the Impugned Order, the learned Appellate Court has affirmed the Order dated 09.11.2017 passed by the learned Estate Officer, whereby the Petitioners were held to be in unauthorised occupation of the subject premises, being **Shop No. 44, Gole Market, New Delhi - 110001** and were directed to vacate the same in accordance with the provisions of the PP Act.

3. The present Petition arises from proceedings initiated under the PP Act consequent upon the cancellation of the rights under which the Petitioners claimed occupation of the subject premises. Prior to the initiation of the proceedings before the learned Estate Officer, a **Show Cause Notice dated 07.07.2017**[6] was issued to the Petitioners by the Deputy Director (Estate-I), NDMC, which was followed by cancellation of the Petitioners' rights in respect of the subject premises *vide* **communication/order dated 25.07.2017**[7]. Thereafter, statutory proceedings under the PP Act were initiated before the learned Estate Officer, including issuance of notice under Section 4 thereof, culminating in the Order dated 09.11.2017 passed under Sections 5 and 7 of the PP Act, which was subsequently affirmed by the learned Appellate Court *vide* the Impugned Order dated 14.01.2019.

4. At the outset, it is made clear that the controversy arising for consideration in the present Petition concerns the legality of the

[4] PP Act
[5] NDMC
[6] Show Cause Notice
[7] Cancellation

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proceedings culminating in the Impugned Order and, in particular, the challenge raised by the Petitioners to the cancellation of the rights under which they claimed occupation of the subject premises and the consequential proceedings initiated under the PP Act.

5. For the sake of clarity, uniformity and consistency, the parties in the present Petition shall hereinafter be referred to in accordance with their ranks before this Court.

BRIEF FACTS:

6. Shorn of unnecessary details, the brief facts necessary for the adjudication of the present Petition are as follows:

a) The subject premises form part of the premises belonging to the respondent/NDMC and were originally governed by the applicable policy and terms of allotment/licence. The Petitioners claim their rights in respect thereof pursuant to the induction of Petitioner No.1 in the existing arrangement and the subsequent transfer/regularisation of the rights concerning the subject premises in their favour. According to the Petitioners, the induction and the consequential transfer of rights were permissible under the applicable Policy and were processed by the competent authorities in accordance with the procedure prevailing at the relevant time.

b) The circumstances surrounding the acquisition of the aforesaid rights by the Petitioners subsequently came under scrutiny. It is an admitted position that Petitioner No.1 is the mother of Sh. R.K. Gaur, who was serving as Director (Estate-I), NDMC during the period relevant to the transactions concerning the subject premises. According to the Respondents, Sh. R.K. Gaur was associated with the processing of the matters through which the Petitioners came to

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acquire rights in respect of the subject premises, despite the relationship between him and Petitioner No.1.

c) The Respondents' case is that the aforesaid relationship was not disclosed at the relevant stage and that the transactions concerning the subject premises were processed in circumstances giving rise to a conflict of interest. The matter was subsequently examined by the competent authorities and the role of Sh. R.K. Gaur and other officials in the processing of the transactions came under scrutiny. The matter was also taken up with the Ministry of Home Affairs and disciplinary proceedings were initiated against the concerned officials.

d) In the aforesaid backdrop, the Deputy Director (Estate-I), NDMC issued a Show Cause Notice dated 07.07.2017 to the Petitioners concerning the rights claimed by them over the subject premises. The Petitioners were called upon to explain their position and show cause as to why appropriate action ought not to be taken. The Petitioners submitted their response to the said Show Cause Notice on 24.07.2017.

e) Thereafter, *vide* communication/order dated 25.07.2017, the transfer/regularisation of the rights in favour of the Petitioners in respect of the subject premises came to be cancelled. According to the Petitioners, the cancellation was effected without due consideration of their Reply dated 24.07.2017 and without affording them a meaningful opportunity of hearing. The Respondents, on the other hand, maintain that the action was taken pursuant to the material which had emerged during the examination of the transactions concerning the subject premises.

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f) Consequent upon the Cancellation dated 25.07.2017, an Application under Sections 5 and 7 of the PP Act was filed before the learned Estate Officer, seeking eviction of the Petitioners from the subject premises and other consequential reliefs. The learned Estate Officer, in the proceedings so initiated, records that a notice under Section 4 of the PP Act dated 04.08.2017 was issued to the Petitioners.

g) The Petitioners entered appearance before the learned Estate Officer and contested the proceedings. The record of the Estate Officer reflects that the Petitioners filed their Reply and Written Submissions and the matter was heard from time to time. Upon completion of the proceedings, the learned Estate Officer, *vide* Order dated 09.11.2017, held the Petitioners to be in unauthorised occupation of the subject premises and passed consequential directions under the PP Act.

h) Aggrieved by the aforesaid Order, the Petitioners preferred an Appeal under Section 9 of the PP Act before the learned Appellate Court. Before the learned Appellate Court, the Petitioners, *inter alia*, questioned the circumstances leading to the cancellation of their rights and contended that their induction and the subsequent transfer/regularisation of rights in respect of the subject premises were in accordance with the applicable policy and procedure.

i) The Respondents opposed the Appeal and contended that the rights claimed by the Petitioners had been acquired in circumstances which warranted scrutiny and had thereafter been validly cancelled. It was further contended that upon cancellation of the authority under which the Petitioners claimed occupation, their continued possession of the subject premises could not be sustained

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in the absence of any independent or subsisting authority in their favour.

j) *Vide* the Impugned Order dated 14.01.2019, the learned Appellate Court dismissed the Appeal preferred by the Petitioners and affirmed the findings returned by the learned Estate Officer. The learned Appellate Court examined the circumstances surrounding the acquisition and subsequent cancellation of the rights claimed by the Petitioners and concluded that the Petitioners had failed to establish any subsisting authority entitling them to continue in occupation of the subject premises.

k) Aggrieved by the aforesaid Order, the Petitioners have approached this Court under Articles 226 and 227 of the Constitution. The Petitioners challenge, *inter alia*, the circumstances in which their rights were cancelled and the consequential proceedings initiated under the PP Act. The Respondents, on the other hand, maintain that the proceedings before the learned Estate Officer were independently and validly initiated after cancellation of the Petitioners' rights and that no case for interference with the concurrent findings of the statutory authorities is made out. The rival contentions, therefore, call for consideration of the legality of the Impugned Order and the proceedings culminating therein.

SUBMISSIONS ON BEHALF OF THE PETITIONERS:

7. Learned counsel appearing on behalf of the Petitioners would submit that the rights in respect of the subject premises had been acquired pursuant to the applicable policy and procedure and upon approval by the competent authority. It would be contended that Sh.

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R.K. Gaur, the then Director (Estate-I), was not himself the competent authority to grant the final approval and that the requisite decision was ultimately taken by the competent authority/Chairman. The Petitioners would, therefore, submit that the mere fact that Sh. R.K. Gaur was the son of Petitioner No.1 could not, by itself, render the transaction illegal or justify cancellation of the rights granted in their favour.

8. Learned counsel would further submit that there was no conclusive finding of any illegality, misconduct or abuse of official position against Sh. R.K. Gaur in respect of the subject premises and that the departmental proceedings initiated against him had not attained finality. It would be contended that the Petitioners could not be deprived of their rights merely on the basis of allegations or the pendency of such proceedings, particularly when no independent breach of the terms governing the occupation, misrepresentation or unlawful conduct had been established against the Petitioners. The Petitioners would further contend that the action taken against them was influenced by the alleged acts of Sh. R.K. Gaur and was not founded upon any independent violation attributable to the Petitioners.

9. Learned counsel would submit that the Show Cause Notice dated 07.07.2017 and the consequential Cancellation dated 25.07.2017 were also assailed on the ground of violation of the principles of natural justice. It would be contended that the Petitioners had submitted their Reply dated 24.07.2017, but the same was not duly considered before the Cancellation was effected. The Petitioners would further contend that the material and allegations subsequently relied upon by the Respondents were either not properly put to them or were not the subject matter of an effective opportunity to respond.

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The learned Appellate Court, according to the Petitioners, failed to appreciate the aforesaid aspects while affirming the Cancellation.

10. It would further be contended that the learned Estate Officer and the learned Appellate Court failed to independently examine the legality of the Cancellation before treating the Petitioners' continued occupation as unauthorised. Learned counsel would submit that the mere cancellation of the rights could not, by itself, conclude the issue where the validity of such Cancellation was specifically under challenge. The Petitioners would contend that the authorities failed to properly consider the documentary material demonstrating the manner in which the rights had been acquired and instead proceeded substantially on the basis of the circumstances concerning Sh. R.K. Gaur.

11. Learned counsel would also submit that the proceedings under the PP Act were not sustainable in the manner in which they had been undertaken and that the Respondents could not bypass the procedure prescribed by law while seeking eviction of the Petitioners. It would further be contended that the action taken against the Petitioners, including the consequential steps for dispossession, was arbitrary and that the learned Appellate Court had failed to appreciate the absence of any conclusive material establishing that the Petitioners had unlawfully acquired or continued to hold the subject premises.

12. In view of the aforesaid submissions, learned counsel for the Petitioners would pray that the Impugned Order dated 14.01.2019 and the Order dated 09.11.2017 passed by the learned Estate Officer, along with the consequential action taken against the Petitioners, be set aside.

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SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

13. **Per contra**, learned counsel appearing on behalf of the Respondents would submit that the present Petition does not disclose any illegality or perversity in the Impugned Order. It would be contended that the learned Estate Officer and the learned Appellate Court had examined the material on record and had rightly concluded that, upon cancellation of the rights claimed by the Petitioners, they had no subsisting authority to continue in occupation of the subject premises.

14. Learned counsel would submit that the transaction concerning the subject premises was not an ordinary transaction undertaken in the regular course. It would be contended that Sh. R.K. Gaur, who was the son of Petitioner No.1 and was serving as Director (Estate-I), NDMC at the relevant time, was actively associated with the processing of the transaction and had neither disclosed the relationship nor recused himself. The Respondents would submit that the circumstances in which the induction of the Petitioners and the subsequent transfer/regularisation were processed consequently warranted scrutiny, which also resulted in disciplinary proceedings against the concerned officials.

15. Learned counsel would further submit that the Cancellation dated 25.07.2017 was preceded by the Show Cause Notice dated 07.07.2017 and that the Petitioners had submitted their response thereto. It would be contended that the action taken thereafter was based upon the material available with the Respondents and could not be characterised as an action founded merely upon the relationship between Petitioner No.1 and Sh. R.K. Gaur. The Respondents would

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further submit that the Petitioners were thereafter afforded due opportunity to contest the proceedings before the learned Estate Officer and had filed their reply and written submissions.

16. Learned counsel would submit that the proceedings under the PP Act were distinct from the administrative process culminating in the Cancellation. It would be contended that, once the rights under which the Petitioners claimed occupation stood cancelled, the Petitioners were required to demonstrate a subsisting authority to remain in occupation of the public premises, which they had failed to do. The learned Estate Officer was, therefore, justified in examining their continued occupation under the PP Act and the learned Appellate Court rightly affirmed the said determination.

17. Learned counsel would further submit that the allegations of violation of the principles of natural justice, arbitrariness or coercive action were without merit, since the action against the Petitioners was undertaken through the procedure prescribed by law and the Petitioners were afforded opportunity at the relevant stages. It would be contended that the Petitioners, in substance, seek re-appreciation of the factual material and the findings returned by the statutory authorities, without demonstrating any jurisdictional error, perversity or procedural infirmity warranting interference under Articles 226 and 227 of the Constitution.

18. In view of the aforesaid submissions, learned counsel for the Respondents would pray that the present Petition be dismissed.

ANALYSIS:

19. This Court has heard the learned counsel appearing on behalf of the parties at length and perused the material placed on record.

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20. Before adverting to the facts and circumstances of the present case, it is necessary to briefly examine the scope of interference by this Court in exercise of its jurisdiction under Articles 226 and 227 of the Constitution. Insofar as the jurisdiction under Article 226 of the Constitution is concerned, the power of judicial review is primarily directed towards examining the legality of the decision-making process and does not entail an appellate re-appreciation of the merits of the decision. In ***Tata Cellular v. Union of India***[8], the Hon'ble Supreme Court, while examining the scope and ambit of judicial review in the context of tender matters, enunciated principles governing the exercise of such jurisdiction, which are equally applicable while exercising powers under Article 226 of the Constitution. The relevant observations are reproduced hereinunder:

> "**72.** Lord Scarman in ***Nottinghamshire County Council* v. *Secretary of State for the Environment***[9] proclaimed:
>
> " 'Judicial review' is a great weapon in the hands of the judges; but the judges must observe the constitutional limits set by our parliamentary system upon the exercise of this beneficial power."
>
> Commenting upon this Michael Supperstone and James Goudie in their work ***Judicial Review*** (1992 Edn.) at p. 16 say:
>
> "If anyone were prompted to dismiss this sage warning as a mere obiter dictum from the most radical member of the higher judiciary of recent times, and therefore to be treated as an idiosyncratic aberration, it has received the endorsement of the Law Lords generally. The words of Lord Scarman were echoed by Lord Bridge of Harwich, speaking on behalf of the Board when reversing an interventionist decision of the New Zealand Court of Appeal in ***Butcher* v. *Petrocorp Exploration Ltd***. 18-3-1991."
>
> **73.** Observance of judicial restraint is currently the mood in England. The judicial power of review is exercised to rein in any unbridled executive functioning. The restraint has two contemporary manifestations. One is the ambit of judicial intervention; the other covers the scope of the *court's ability* to

[8] (1994) 6 SCC 651
[9] 1986 AC 240, 251 : (1986) 1 All ER 199

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quash an administrative decision on its merits. These restraints bear the hallmarks of judicial control over administrative action.

74. Judicial review is concerned with reviewing not the merits of the decision in support of which the application for judicial review is made, but the decision-making process itself.

75. In ***Chief Constable of the North Wales Police* v. *Evans***[10] Lord Brightman said:

> "Judicial review, as the words imply, is not an appeal from a decision, but a review of the manner in which the decision was made.
>
> ***
>
> Judicial review is concerned, not with the decision, but with the decision-making process. Unless that restriction on the power of the court is observed, the court will in my view, under the guise of preventing the abuse of power, be itself guilty of usurping power."

In the same case Lord Hailsham commented on the purpose of the remedy by way of judicial review under RSC, Ord. 53 in the following terms:

> "This remedy, vastly increased in extent, and rendered, over a long period in recent years, of infinitely more convenient access than that provided by the old prerogative writs and actions for a declaration, is intended to protect the individual against the abuse of power by a wide range of authorities, judicial, quasi-judicial, and, as would originally have been thought when I first practised at the Bar, administrative. It is not intended to take away from those authorities the powers and discretions properly vested in them by law and to substitute the courts as the bodies making the decisions. It is intended to see that the relevant authorities use their powers in a proper manner (p. 1160)."

In ***R.* v. *Panel on Take-overs and Mergers, ex p Datafin plc***[11], Sir John Donaldson, M.R. commented:

> "An application for judicial review is not an appeal."

In ***Lonrho plc* v. *Secretary of State for Trade and Industry***[12] , Lord Keith said:

> "Judicial review is a protection and not a weapon."

It is thus different from an appeal. When hearing an appeal the Court is concerned with the merits of the decision under appeal. In ***Amin, Re***[13], Lord Fraser observed that:

> "Judicial review is concerned not with the merits of a decision but with the manner in which the decision was made…. Judicial review is entirely different from an ordinary appeal. It is made effective by the court quashing the administrative decision without substituting its own decision, and is to be contrasted

[10] (1982) 3 All ER 141, 154
[11] (1987) 1 All ER 564
[12] (1989) 2 All ER 609
[13] (1983) 2 All ER 864

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with an appeal where the appellate tribunal substitutes its own decision on the merits for that of the administrative officer."

76. In ***R.* v. *Panel on Take-overs and Mergers, ex p in Guinness plc*[14],** Lord Donaldson, M.R. referred to the judicial review jurisdiction as being supervisory or 'longstop' jurisdiction. Unless that restriction on the power of the court is observed, the court will, under the guise of preventing the abuse of power, be itself guilty of usurping power.

77. The duty of the court is to confine itself to the question of legality. Its concern should be:

1. Whether a decision-making authority exceeded its powers?
2. Committed an error of law,
3. committed a breach of the rules of natural justice,
4. reached a decision which no reasonable tribunal would have reached or,
5. abused its powers.

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfilment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

(*i*) Illegality : This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.

(*ii*) Irrationality, namely, Wednesbury unreasonableness.

(*iii*) Procedural impropriety.

The above are only the broad grounds but it does not rule out addition of further grounds in course of time. As a matter of fact, in ***R.* v. *Secretary of State for the Home Department, ex Brind*[15]**, Lord Diplock refers specifically to one development, namely, the possible recognition of the principle of proportionality. In all these cases the test to be adopted is that the court should, "consider whether something has gone wrong of a nature and degree which requires its intervention".

78. What is this charming principle of Wednesbury unreasonableness? Is it a magical formula? In ***R.* v. *Askew*[16]**, Lord Mansfield considered the question whether mandamus should be granted against the College of Physicians. He expressed the relevant principles in two eloquent sentences. They gained greater value two centuries later:

"It is true, that the judgment and discretion of determining upon this skill, ability, learning and sufficiency to exercise and practise this profession is trusted to the College of Physicians

[14] (1990) 1 QB 146 : (1989) 1 All ER 509
[15] (1991) 1 AC 696
[16] (1768) 4 Burr 2186 : 98 ER 139

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and this Court will not take it from them, nor interrupt them in the due and proper exercise of it. But their conduct in the exercise of this trust thus committed to them ought to be fair, candid and unprejudiced; not arbitrary, capricious, or biased; much less, warped by resentment, or personal dislike."

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83. A modern comprehensive statement about judicial review by Lord Denning is very apposite; it is perhaps worthwhile noting that he stresses the supervisory nature of the jurisdiction:

"Parliament often entrusts the decision of a matter to a specified person or body, without providing for any appeal. It may be a judicial decision, or a quasi-judicial decision, or an administrative decision. Sometimes Parliament says its decision is to be final. At other times it says nothing about it. In all these cases the courts will not themselves take the place of the body to whom Parliament has entrusted the decision. The courts will not themselves embark on a rehearing of the matter. See ***Healey* v. *Minister of Health***[17]**.** But nevertheless, the courts will, if called upon, act in a supervisory capacity. They will see that the decision-making body acts fairly. See ***H.K. (an infant), Re***[18], and ***R.* v. *Gaming Board for Great Britain, ex p Benaim and Khaida***[19]. The courts will ensure that the body acts in accordance with the law. If a question arises on the interpretation of words, the courts will decide it by declaring what is the correct interpretation. See ***Punton* v. *Ministry of Pensions and National Insurance***[20]. And if the decision-making body has gone wrong in its interpretation they can set its order aside. See ***Ashbridge Investments Ltd.* v. *Minister of Housing and Local Government***[21]. (I know of some expressions to the contrary but they are not correct). If the decision-making body is influenced by considerations which ought not to influence it; or fails to take into account matters which it ought to take into account, the court will interfere. See ***Padfield* v. *Minister of Agriculture, Fisheries and Food***[22]. If the decision-making body comes to its decision on no evidence or comes to an unreasonable finding — so unreasonable that a reasonable person would not have come to it — then again the courts will interfere. See ***Associated Provincial Picture Houses Ltd.* v. *Wednesbury Corpn.***[23] If the decision-making body goes outside its powers or misconstrues the extent of its powers, then, too the courts can interfere.

[17] (1955) 1 QB 221 : (1954) 3 All ER 449 : (1954) 3 WLR 815
[18] (1967) 2 QB 617, 630 : (1967) 1 All ER 226 : (1967) 2 WLR 692
[19] (1970) 2 QB 417 : (1970) 2 All ER 528 : (1970) 2 WLR 1009
[20] (1963) 1 WLR 186 : (1963) 1 All ER 275
[21] (1965) 1 WLR 1320 : (1965) 3 All ER 371
[22] 1968 AC 997 : (1968) 1 All ER 694
[23] (1948) 1 KB 223 : (1947) 2 All ER 680

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> See ***Anisminic Ltd.* v. *Foreign Compensation Commission***[24]. And, of course, if the body acts in bad faith or for an ulterior object, which is not authorised by law, its decision will be set aside. See ***Sydney Municipal Council* v. *Campbell***[25]. In exercising these powers, the courts will take into account any reasons which the body may give for its decisions. If it gives no reasons — in a case when it may reasonably be expected to do so, the courts may infer that it has no good reason for reaching its conclusion, and act accordingly. See ***Padfield case***[26] (as AC pp. 1007, 1061)."

21. In ***Sarvepalli Ramaiah (D) through LRs. v. District Collector, Chittoor District & Ors.***[27], it was held that judicial review is concerned with examining the manner in which a decision has been made and not with the correctness of the decision on merits. The Court exercising such jurisdiction does not sit as an appellate authority to substitute its own decision for that of the competent authority. Thus, interference in exercise of such jurisdiction is warranted only on recognised grounds, including illegality, irrationality, perversity, want of authority or procedural impropriety. The relevant portion of the aforesaid Judgment is reproduced hereinunder:

> "**41.** In this case, the impugned decision, taken pursuant to orders of Court, was based on some materials. It cannot be said to be perverse, to warrant interference in exercise of the High Court's extraordinary power of judicial review. A decision is vitiated by irrationality if the decision is so outrageous, that it is in defiance of all logic; when no person acting reasonably could possibly have taken the decision, having regard to the materials on record. The decision in this case is not irrational.
>
> **42.** A decision may sometimes be set aside and quashed under Article 226 on the ground of illegality. This is when there is an apparent error of law on the face of the decision, which goes to the root of the decision and/or in other words an apparent error, but for which the decision would have been otherwise.

[24] [(1969) 2 AC 147 : (1969) 1 All ER 208 : (1969) 2 WLR 163
[25] 1925 AC 338 : 1924 All ER Rep 930
[26] 1968 AC 997 : (1968) 1 All ER 694
[27] (2019) 4 SCC 500

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> **43.** Judicial review under Article 226 is directed, not against the decision, but the decision-making process. Of course, a patent illegality and/or error apparent on the face of the decision, which goes to the root of the decision, may vitiate the decision-making process. In this case there is no such patent illegality or apparent error. In exercise of power under Article 226, the Court does not sit in appeal over the decision impugned, nor does it adjudicate hotly disputed questions of fact."

22. Equally, the jurisdiction exercised by this Court under Article 227 of the Constitution is supervisory in nature and is not intended to be exercised as an appellate jurisdiction for re-appreciation or re-evaluation of the material on record merely because another view may be possible. In ***Shalini Shyam Shetty & Anr. v. Rajendra Shankar Patil***[28], the Hon'ble Supreme Court has explained the limitations governing the exercise of supervisory jurisdiction and held that interference is warranted only where the order impugned suffers from jurisdictional error, patent perversity or results in manifest failure of justice. The relevant portion of the aforesaid Judgment is reproduced hereinunder:

> " ****
> (*c*) High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of the court or tribunal subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restrain on the exercise of this power by the High Court.
> (*d*) The parameters of interference by High Courts in exercise of their power of superintendence have been repeatedly laid down by this Court. In this regard the High Court must be guided by the principles laid down by the Constitution Bench of this Court in ***Waryam Singh***[29] and the principles in ***Waryam Singh*** (Supra) have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.

[28] (2010) 8 SCC 329
[29] AIR 1954 SC 215

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(*e*) According to the ratio in ***Waryam Singh*** (Supra), followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in order only to keep the tribunals and courts subordinate to it, "within the bounds of their authority".
(*f*) In order to ensure that law is followed by such tribunals and courts by exercising jurisdiction which is vested in them and by not declining to exercise the jurisdiction which is vested in them.
(*g*) Apart from the situations pointed in (*e*) and (*f*), High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of the tribunals and courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.
(*h*) In exercise of its power of superintendence High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or courts subordinate to it, is a possible view. In other words the jurisdiction has to be very sparingly exercised.

****"

23. Having set out the scope of the jurisdiction exercised by this Court, it would be apposite to delineate the grounds upon which the present Petition has been instituted. The Petitioners principally contend that the transfer/regularisation in their favour was processed and approved in accordance with the applicable procedure and by the competent authority; that the circumstances concerning the involvement of Sh. R.K. Gaur could not, by themselves, furnish a valid basis for disturbing the rights claimed by them, particularly in the absence of any conclusive finding against the Petitioners; and that the Cancellation dated 25.07.2017 was arbitrary and contrary to the principles of natural justice, inter alia, on the ground that the Reply dated 24.07.2017 was not duly considered.

24. The Petitioners further assail the Impugned Order on the ground that the learned Appellate Court failed to properly appreciate the material relating to the acquisition and subsequent cancellation of the rights claimed by them. It is also contended that the findings returned by the learned Estate Officer and affirmed by the learned Appellate

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Court suffer from perversity and non-consideration of material on record. Lastly, the Petitioners seek to assail the consequential proceedings under the PP Act on the premise that the same could not have been sustained once the underlying Cancellation itself was challenged as being unlawful.

25. The aforesaid grounds fall for consideration in the context of the findings returned by the learned Appellate Court while affirming the Order dated 09.11.2017 passed by the learned Estate Officer. It would, therefore, be appropriate to notice the relevant findings of the learned Appellate Court in the Impugned Order:

> "6.0 Facts are not in dispute. Admittedly, Sh. Ravinder Kumar and Smt. Pushpa Devi were the licensees of the the said shop which was lastly renewed vide license deed dated 12.02.2015 (effective from 01.04.2011 to 31.03.2021). Vide undated letter, Sh. Ravinder Kumar and Smt. Pushpa Devi, applied to NDMC seeking permission for entering into partnership with the appellants Smt. Mishri Devi and Smt. Manorama Sharma; said letter/application was filed in the office of Director (Estate) Sh. R.K. Gaur/ son of appellant no.1 on 02.03.2015. The said request was approved by the competent authority and was conveyed to the licencees Sh. Ravinder Kumar and Smt. Pushpa Devi vide letter dated 25.03.2015. The said licencees entered into a partnership with the appellants herein on 26.03.2015. Vide their application dated 31.03.2015, they submitted the partnership deed along with other documents for acceptance/confirmation. They also made a statement before Dy.Director, Estate-1 on 31.03.2015 confirming that they have no objection to addition of the names of the appellants in the license and also confirmed the documents i.e. Partnership Deed, indemnity bond and the affidavits, all dated 26.03.2015.
>
> 6.1 It is also not in dispute that subsequently, all the partners i.e. the existing licensees Sh.Ravinder Kumar and Smt. Pushpa Devi as well as the inducted partners i.e. the appellants Mishri Devi and Manorama Sharma vide their undated letter addressed to the Director Estate-I, apparently received in NDMC office on 27.04.2015 (as it bears initials/signatures of some official with date 27.04.2015) conveyed that it has been decided to dissolve the partnership and the existing licensees wanted to hand over the charge of the said shop to the appellants herein; and that they had no objection to transfer/regularization of the said in favour of the

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appellants, mentioning that they will never claim any right in the said shop. In response to the same, Dy. Director (Estates) vide letter dated 06.05.2015, sought confirmation from the existing licensees/outgoing partners Sh. Ravinder Kumar and Smt. Pushpa Devi about dissolution of partnership and their affidavit/NOC in favour of appellants. In response thereto, existing licensees Sh. Ravinder Kumar and Smt. Pushpa Devi appeared before Dy. Director, Estate-1 Sh.Himanshu Ranjan and made a statement confirming Dissolution Deed dated 27.04.2015 and affidavit dated 27.04.2015 and stated that they have no objection to transfer/regularization of license of the said shop in joint names of the appellants.

6.2 It is not in dispute that pursuant thereto the existing licensees exited and that the appellants came into possession/occupation of the said shop.

6.3 Admittedly, vide cancellation notice/order dated 25.07.2017, the transfer of license in the appellants' name was cancelled on account of the same having been obtained/managed by the appellant no.1's son, the then Director (Estates-I) Sh. R.K. Gaur by suppressing the material facts/his relationship with appellant no.1 and misusing his position. The said cancellation notice reads as under:-

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6.4 It is a settled position of law that once the license expires/ is cancelled, the authority to occupy the public premises comes to an end and the licencee becomes an unauthorized occupant. The onus is upon the occupant to show his authority to occupy the public premises after cancellation/expiry of licence (**UOI vs S.M. Agarwal & Ors., 1995(II) AD(Delhi) 293 (Division Bench**). The appellants however, have failed to demonstrate their authority to occupy the said shop after cancellation of their occupation rights/allotment. Therefore, I find no infirmity in the findings of the Estate Officer that the appellants became unauthorized occupants of the said shop after 25.07.2017.

7.0 The appellants have contended that the Estate Officer failed to appreciate that the respondent wrongly cancelled the allotment of the said shop without appreciating the facts and providing proper opportunity of hearing to the appellants. It is pleaded that the Estate Officer malafide passed the impugned order merely on the ground that the then Director Estates-I Sh. R.K.Gaur was the son of the appellant no.1, without recording any finding of breach of any of the terms and conditions of the license agreement. It is also contended that the Estate Officer failed to appreciate that the necessary procedure for transfer of the said shop was duly followed and necessary approval was duly obtained by the appellants. The Estate Officer also failed to appreciate that the matter of induction of the appellants as partners and dissolution of partnership/occupation of the said shop by the appellants, was dealt with at various levels and not only by one person Sh. R.K. Gaur,

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Director Estates-I. Sh. R.K. Gaur only forwarded the matter for approval of the competent authority, Chairman, NDMC; and that it was approved by the Chairman, NDMC. It is also contended that the Estate Officer conducted the eviction proceedings like vigilance proceedings against Sh.R.K.Gaur, the then Director Estates-I/ son of appellant no.1 and proceeded to pass the impugned order on the basis of surmises and conjunctures.

7.1 Admittedly, Sh.R.K.Gaur, son of the appellant no.1 was Director Estates-I at the relevant time and dealt with the matter of the licencees - Sh.Ravinder and Smit. Pushpa Devi's request for entering into partnership with his mother/appellant no.1 and the appellant no.2; and their induction as partners in the said partnership and its dissolution later, whereby the aforesaid licensees exited the partnership, thus putting his mother/appellant no.1 & appellant no.2 in occupation/possession of the said shop.

7.2 The respondent's case is that on revelation of the misuse of authority by Sh.R.K.Gaur, the then Director (Estate-I) in connivance with/influencing officials working under him, in orchestrating transfer/regularization of the said shop in his mother/appellant, no.1's name by concealment of facts and by playing fraud upon the organization, the license of the said shop was rightly cancelled. Ld. Counsel for the respondent submitted that the existing licensees Sh.Ravinder and Smt.Pushpa had applied for renewal of the license which was pending with the respondent since 12.10.2012. After joining as Director (Estates-I) on 28.11.2014 Sh.R.K.Gaur with an intention to obtain possession/ allotment of the said shop through his mother, with respect to which request for renewal was pending, got the license of the same renewed in February 2015; and the License Deed dated 13:02.2015 for a period of ten years w.e.f. 01.04.2011 to 31.03.2021 came to be executed in favour of the existing licensees Sh. Ravinder and Smt. Pushpa Devi. It was argued that Sh.R.K.Gaur, the then Director Estates-I misusing his position, first got renewed the license of the existing licensees and thereafter, managed transfer of the said shop in the name of his mother/appellant no.1 by first making her/appellants enter into partnership with the existing licensees and then dissolution of the said partnership, whereby the existing licensees exited the partnership thus putting appellant no.1/his mother and appellant no.2 in occupation/possession of the same.

7.2.1 It is not in dispute that the license of the said shop in favour of Sh.Ravinder and Smt.Pushpa, had expired on 31.03.2011. The appellants themselves have stated that the license of the said shop was regularized in the name of Sh. Ravinder and Smt. Pushpa Devi for running the trade of cottage and handicraft and travel counter w.e.f. 19.06.2010 to 31.03.2011. It has also come on record that their application for renewal of the license was pending with the respondent. The appellants themselves have stated in their appeal that the license in their favour was renewed in March 2015 for a

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period of ten years and placed of record copy of renewed License Deed dated 13.02.2015.

7.2.2 It is the appellants' own case that the licensees' (Sh. Ravinder and Smt. Pushpa Devi) application for permission for entering into partnership was submitted on 02.03.2015 in the Office of Director (Estate) Sh. R.K. Gaur, who is son of appellant no. 1 Smt. Mishri Devi.

It is also not in dispute that the said request was put up and recommended for approval by Director Estate Sh. R.K. Gaur, son of appellant no.1, without disclosing his relationship with the appellant no.1 Smt. Mishri Devi. On the basis of those recommendations, same was approved by the competent authority. It is further not in dispute that subsequent dissolution of the said partnership and exiting of the existing licensees and the process for regularization/transfer of the said shop in favour of his mother/appellant no 1 & appellant no.2, was also processed by him/his Division.

7.3 Ld. Counsel for the respondent further submitted that on the above facts coming to light, vigilance enquiry was initiated against Sh.R.K.Gaur, Director (Estates-I), Sh. Himanshu Ranjan, Dy. Director and Sh. Kishore Prasad, Sr.Assistant. In support, Ld. Counsel has placed on record, a copy of letter No.14033/05/2017-UTS-II dated 30.05.2018 of Ministry of Home Affairs addressed to The Principal Secretary(Vigilance), Directorate of Vigilance, Government of NCT of Delhi, relevant portion of which reads as under:-

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7.3.1 During course of proceedings, Ld. Counsel for the respondent also submitted that even charge sheet has been served on Sh.R.K.Gaur, Director (Estates-I). Same has not been disputed.

7.4 In view of the above facts and circumstances, I find no force in the appellants' contention that the regularization of the said shop in the appellants' favour has been cancelled without any basis.

8.0 The appellants have further contended that no opportunity of hearing was given before issuance of cancellation notice/order. It is pleaded that the show cause notice was received by them on 17.07.2017 and accordingly, the reply was to be submitted within 15 days thereof i.e. on or before 01.08.2017. The appellants visited NDMC office on 24.07.2017 to file the reply but the officials refused to accept the reply and rather informed that the cancellation notice dated 25.07.2017 has already been issued. Thus, their reply was not even considered before cancellation of allotment/regularization.

8.1 Ld. Counsel for the respondent on the other hand, submitted that the appellants did not make any submission of late receipt of the said notice in their reply. Even otherwise, the appellants reply was duly responded to and the appellants did not raise any such plea before the Estate Officer.

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8.2 It is not in dispute that the show cause notice dated 07.07.2017 issued by the respondent called upon the appellants to show cause as to why the license of the said shop in their favour be not cancelled and specifically directed that the reply should reach NDMC office within 15 days failing which necessary action as deemed fit shall be taken. Admittedly, the appellants responded to the said notice with reply dated 24.07.2017. Perusal of the reply placed on record by the appellants as Annexure IX with this appeal shows that they have nowhere mentioned that the notice was received by them belatedly on 17.07.2017 as pleaded in the appeal. Their reply simply mentions that:-

> "I have received a Show Cause Notice from your department on 07/07/2017 vide reference no D-1223/S0-Estate-I/2017"

8.2.1 In view of the above, the appellants' plea of late receipt of show cause notice on 17.07.2017 is evidently an after thought.

8.3 Further, it is noteworthy that vide their reply dated 24.07.2017, the appellants have simply reiterated the facts as mentioned in their appeal and have already been dealt with in preceding paras viz., they entered into partnership with the existing licensees, erstwhile licencees exited(due to fund problem) and consequently they came into occupation of the said shop, following due procedure. Appellant no.1 Smt.Mishri Devi in her reply further stated that "It is correct that the application for the partnership got processed by the then Director (Estate-1) Sh.R. K. Gaur, who is also my son. However, the application got processed only after the entire policy and the procedure of the NDMC was followed up and after the submission of the requisite documents. It is wrong to say that Sh.R.K.Gaur the then director(Estate-I) had misused his power and position or has been biased." In this respect, a reference is made to the NDMC's response dated 03.08.2017 to the appellants' above reply, which reads:

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8.3.1 In the above reply, NDMC has categorically mentioned that both the appellants' posted their reply on 28.07.2017 and has even given the details of the post office from where the replies were dispatched. Neither have the appellants' disputed dispatch of reply on 28.07.2017. Nor have they placed on record any material to show the timely dispatch of their replies dated 24.07.2017. It is also noteworthy that the appellants' have pleaded that they reached the NDMC office on 24.07.2017 to file their reply; same was not received and they were informed about the cancellation notice/order dated 25.07.2017. It has remained unexplained as to how were they informed about the order which was passed subsequently. Be that as it may. Even otherwise, from the aforesaid letter of NDMC, it is seen that the NDMC has dealt with all the contentions raised by appellants in their reply. In view of the same, it is evident that the appellants' reply though belated was duly considered.

8.4 In view of the above facts and circumstances, I do not find any

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force in the appellants' contention that the license of the said shop was cancelled without any basis and without providing them opportunity of hearing.

9.0 Lastly, Ld.Counsel for the appellants argued that the appellant no.1's son was transferred from the Estate Department on 30.04.2015. Whereas the regularization process continued even thereafter and the approval of the same was granted in May 2015, that is, much after he left the Department. This argument lacks merit in view of admitted position that the entire process of appellants' entering into partnership with the existing licencees; dissolution of partnership and the appellants coming to be in possession/occupation pursuant thereto, took place in Sh.R.K.Gaur's tenure, except that the final approval may have come later. More so, in view of the findings already recorded in preceding paras.

9.1 In view of the findings recorded in preceding paras, I find no infirmity in the impugned order. **The appeal is therefore, dismissed.**

10.0 It may be clarified that any observation made herein above shall have no reflection on merits of disciplinary proceedings against Sh.R.K.Gaur, the then Director (Estate-I).

11.0 Record of the Estate Officer be returned along with copy of this judgment.

11.1 Appeal file be consigned to record room."

26. The aforesaid findings indicate the manner in which the learned Appellate Court considered the circumstances surrounding the Petitioners' acquisition of the rights in respect of the subject premises, the subsequent cancellation thereof, and the proceedings culminating in the Order passed by the learned Estate Officer. The grounds urged in the present Petition would, therefore, have to be examined against the aforesaid findings and within the limited parameters of the jurisdiction available to this Court under Articles 226 and 227 of the Constitution.

27. The sequence of events assumes significance in adjudicating the aforesaid challenge. The record reveals that, prior to the initiation of proceedings before the learned Estate Officer, NDMC had undertaken an examination of the circumstances in which the Petitioners had

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acquired the rights claimed by them in respect of the subject premises. It was in the course of the said process that the Show Cause Notice dated 07.07.2017 was issued by the Deputy Director (Estate-I), NDMC, calling upon the Petitioners to explain their position. The Petitioners submitted their response thereto on 24.07.2017 and, thereafter, the rights claimed by them in respect of the subject premises came to be cancelled *vide* Communication/Order dated 25.07.2017.

28. The Petitioners have specifically challenged the Cancellation dated 25.07.2017, contending that the rights in their favour had been acquired in accordance with the prescribed procedure and that the involvement of Sh. R.K. Gaur, who was the son of Petitioner No.1 and was serving as Director (Estate-I), NDMC, could not, by itself, furnish a basis for cancelling the rights so acquired. The Petitioners have further contended that Sh. R.K. Gaur was not the competent authority and that the requisite approvals had been accorded by the competent authority. These contentions, therefore, require examination, since the finding of unauthorised occupation under the PP Act is consequential upon the cessation of the authority under which the Petitioners claimed occupation of the subject premises.

29. The fact that the formal approval was ultimately accorded by the competent authority does not, by itself, render irrelevant the circumstances in which the transaction came to be processed. The learned Appellate Court has considered the role of Sh. R.K. Gaur in the processing of the transaction, including the fact that he was the son of Petitioner No.1, as also the material relating to the subsequent processing of the rights claimed by the Petitioners. The circumstance of such relationship, however, was not the sole consideration; rather, it

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formed part of the circumstances which led the Respondents to scrutinise the manner in which the transaction had been processed.

30. It is also material that, prior to the Cancellation, the Petitioners were issued the Show Cause Notice dated 07.07.2017 and were called upon to explain the circumstances in which the rights in question had been acquired. The Petitioners submitted their Reply dated 24.07.2017, which, as noticed by the learned Appellate Court, was taken into consideration. The Cancellation dated 25.07.2017 was thus not an action which followed merely from the existence of the relationship between Petitioner No.1 and Sh. R.K. Gaur. The learned Appellate Court, upon examining the material placed before it and the grievance raised by the Petitioners with respect to the aforesaid process, found no infirmity warranting interference with the Cancellation.

31. The Petitioners have not demonstrated any jurisdictional error, patent illegality or perversity in the aforesaid appreciation by the learned Appellate Court. This Court is also not called upon, in the present proceedings, to return any independent finding on the merits of the disciplinary proceedings initiated against Sh. R.K. Gaur. The question is whether the material considered by the learned Appellate Court furnished a legally sustainable basis for upholding the Cancellation. On the material placed before the Court, no ground has been made out warranting interference with the aforesaid finding.

32. The consequence of the aforesaid finding has to be considered separately from the administrative process which culminated in the Cancellation. The proceedings under the PP Act were instituted thereafter, when the Petitioners' authority to remain in occupation had ceased to subsist. The question before the learned Estate Officer was

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consequently whether, notwithstanding the Cancellation dated 25.07.2017, the Petitioners could demonstrate any independent or subsisting authority entitling them to continue in occupation of the subject premises. No such authority has been demonstrated.

33. This assumes significance in view of Section 2(g) of the PP Act, which does not confine *"unauthorised occupation"* to occupation which was unauthorised from its inception. The provision also covers a case where occupation was initially lawful but the authority under which the premises were occupied subsequently expires or is determined and the occupant nevertheless continues in possession.

34. The Hon'ble Supreme Court in ***Ashoka Marketing Ltd. & Anr. v. Punjab National Bank & Ors.***, (1990) 4 SCC 406, while examining the scope of the expression *"unauthorised occupation"* under the PP Act, has recognised that continued occupation after the expiry or determination of the authority under which the premises were occupied would fall within its ambit. The relevant portion of the aforesaid Judgment is reproduced hereinunder:

> "**30.** The definition of the expression 'unauthorised occupation' contained in Section 2(*g*) of the Public Premises Act is in two parts. In the first part the said expression has been defined to mean the occupation by any person of the public premises without authority for such occupation. It implies occupation by a person who has entered into occupation of any public premises without lawful authority as well as occupation which was permissive at the inception but has ceased to be so. The second part of the definition is inclusive in nature and it expressly covers continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever. This part covers a case where a person had entered into occupation legally under valid authority but who continues in occupation after the authority under which he was put in occupation has expired or has been determined. The words "whether by way of grant or any other mode of transfer" in this part of the definition are wide in

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> amplitude and would cover a lease because lease is a mode of transfer under the Transfer of Property Act. The definition of unauthorised occupation contained in Section 2(*g*) of the Public Premises Act would, therefore, cover a case where a person has entered into occupation of the public premises legally as a tenant under a lease but whose tenancy has expired or has been determined in accordance with law."

35. In the present case, the Petitioners' occupation may have originated under rights which they claim were validly acquired; however, upon the Cancellation dated 25.07.2017 being upheld, those rights could no longer furnish authority for their continued occupation. In the absence of any other subsisting authority in their favour, the learned Estate Officer was justified in examining their occupation within the statutory framework of the PP Act. The subsequent proceedings, therefore, cannot be rendered unsustainable merely by reiterating a challenge to the Cancellation which has already been examined and found to warrant no interference.

36. In this context, the further contention that the Petitioners could not have been subjected to adverse consequences in the absence of any independent breach, misrepresentation or unlawful conduct attributable to them also does not advance their case. The material before the learned Appellate Court was not confined to the personal conduct of the Petitioners, but concerned the circumstances in which the rights claimed by them had been processed and conferred. The mere absence of any separate finding of misconduct against the Petitioners themselves could not, by itself, render the Cancellation legally unsustainable or preserve a right which had ceased to subsist upon the Cancellation dated 25.07.2017.

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37. Once the Cancellation operated against the Petitioners, the material question before the learned Estate Officer was whether any independent and subsisting authority continued in their favour to occupy the subject premises. In the absence of any such subsisting authority being demonstrated, the subsequent proceedings under the PP Act could not be rendered unsustainable merely on the ground that the Petitioners were not themselves the subject of any separate disciplinary or penal proceeding.

38. The Petitioners have also urged that the Cancellation dated 25.07.2017 was effected without due consideration of their Reply dated 24.07.2017 and without affording them an effective opportunity of hearing. This contention, however, was specifically examined by the learned Appellate Court. The learned Appellate Court considered the Petitioners' case regarding the receipt of the Show Cause Notice dated 07.07.2017, examined the contents of their Reply dated 24.07.2017 and also took note of the subsequent response furnished by NDMC thereto. Upon such consideration, the learned Appellate Court concluded that the defence raised by the Petitioners had, in fact, been considered.

39. The finding of the learned Appellate Court in this regard is not founded merely upon the fact that a reply was submitted by the Petitioners. The learned Appellate Court examined the contents of the Reply dated 24.07.2017 and the material placed by NDMC in response thereto, and found that the very matters sought to be urged by the Petitioners had been dealt with in the course of the decision-making process. The grievance of the Petitioners, therefore, essentially pertains to the manner and adequacy of the consideration

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accorded to their defence, rather than to a complete denial of an opportunity to place their case before the competent authority.

40. It is equally significant that the Petitioners thereafter participated in the proceedings before the learned Estate Officer, filed their reply and written submissions, and contested the proceedings on merits. The Petitioners further availed the statutory remedy of appeal under Section 9 of the PP Act, in which the circumstances surrounding the acquisition of their rights, the subsequent Cancellation and the basis of the action taken against them were again examined. The statutory scheme thus afforded the Petitioners successive opportunities to place their case before the competent fora.

41. In these circumstances, the mere fact that the Petitioners dispute the conclusion ultimately reached by the competent authority cannot, by itself, be elevated into a violation of the principles of natural justice. The requirement of *audi alteram partem* is concerned with affording a meaningful opportunity to meet the case against a party; it does not confer a right to insist that the defence so advanced must necessarily result in a conclusion favourable to the party concerned. In the present case, the material on record does not disclose that the Petitioners were prevented from responding to the Show Cause Notice or that their defence was altogether excluded from consideration.

42. The principles of natural justice are not confined merely to affording an opportunity of hearing, but also require that the decision-making process be fair, impartial and informed by due consideration of the defence raised. This necessarily encompasses the requirement of a reasoned decision as well as the rule against bias, embodied in the maxim *nemo judex in causa sua*. In the present case, the learned

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Appellate Court has specifically examined the Petitioners' grievance regarding the alleged non-consideration of their Reply dated 24.07.2017 and has recorded reasons for rejecting the same.

43. Equally, the circumstances surrounding the involvement of Sh. R.K. Gaur, including his relationship with Petitioner No.1, have been examined in the context of his role in processing the transactions concerning the subject premises. The material on record, therefore, requires consideration not merely from the standpoint of whether the formal approval was accorded by the competent authority, but also with reference to the fairness and impartiality of the process preceding such approval.

44. Even independently, on the touchstone of judicial precedents, the participation of an official in a decision-making process concerning a close relative may vitiate the fairness of such process. In ***Ashok Kumar Yadav v. State of Haryana***[30], the Hon'ble Supreme Court emphasised the significance of a reasonable likelihood of bias arising from a close relationship in the context of participation in a decision-making process. Although the aforesaid decision did not arise in the context of proceedings under the PP Act, the principle enunciated therein is relevant to the present case, as the issue concerns the fairness and impartiality of the decision-making process, irrespective of the statutory framework governing such process. The principle underlying the rule is that the fairness of a process may be compromised where an official participates in matters concerning a close relative, even where such participation does not, by itself,

[30] (1985) 4 SCC 417

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establish actual bias or mala fides. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**16.** We agree with the petitioners that it is one of the fundamental principles of our jurisprudence that no man can be a judge in his own cause and that if there is a reasonable likelihood of bias it is "in accordance with natural justice and common sense that the justice likely to be so biased should be incapacitated from sitting". The question is not whether the judge is actually biased or in fact decides partially, but whether there is a real livelihood of bias. What is objectionable in such a case is not that the decision is actually tainted with bias but that the circumstances are such as to create a reasonable apprehension in the mind of others that there is a likelihood of bias affecting the decision. The basic principle underlying this rule is that justice must not only be done but must also appear to be done and this rule has received wide recognition in several decisions of this Court. It is also important to note that this rule is not confined to cases where judicial power stricto sensu is exercised. It is appropriately extended to all cases where an independent mind has to be applied to arrive at a fair and just decision between the rival claims of parties. Justice is not the function of the courts alone; it is also the duty of all those who are expected to decide fairly between contending parties. The strict standards applied to authorities exercising judicial power are being increasingly applied to administrative bodies, for it is vital to the maintenance of the rule of law in a Welfare State where the jurisdiction of administrative bodies is increasing at a rapid pace that the instrumentalities of the State should discharge their functions in a fair and just manner. This was the basis on which the applicability of this rule was extended to the decision-making process of a selection committee constituted for selecting officers to the Indian Forest Service in ***A.K. Kraipak* v. *Union of India*** [(1969) 2 SCC 262 : AIR 1970 SC 150 : (1970) 1 SCR 457] . What happened in this case was that one Naqishbund, the acting Chief Conservator of Forests, Jammu and Kashmir was a member of the Selection Board which had been set up to select officers to the Indian Forest Service from those serving in the Forest Department of Jammu and Kashmir. Naqishbund who was a member of the Selection Board was also one of the candidates for selection to the Indian Forest Service. He did not sit on the Selection Board at the time when his name was considered for selection but he did sit on the Selection Board and participated in the deliberations when the names of his rival officers were considered for selection and took part in the deliberations of the Selection Board while preparing the list of the selected candidates in order of preference. This Court held that the presence of Naqishbund vitiated the selection on the ground that there was reasonable likelihood of bias affecting the process of selection. Hegde, J. speaking on behalf of the Court

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countered the argument that Naqishbund did not take part in the deliberations of the Selection Board when his name was considered, by saying : (SCC p. 270, para 15)

> "But then the very fact that he was a member of the Selection Board must have had its own impact on the decision of the Selection Board. Further admittedly he participated in the deliberations of the Selection Board when the claims of his rivals ... was considered. He was also party to the preparation of the list of selected candidates in order of preference. At every stage of his participation in the deliberations of the Selection Board there was a conflict between his interest and duty.... The real question is not whether he was biased. It is difficult to prove the state of mind of a person. Therefore what we have to see is whether there is reasonable ground for believing that he was likely to have been biased.... There must be a reasonable likelihood of bias. In deciding the question of bias we have to take into consideration human probabilities and ordinary course of human conduct."

This Court emphasised that it was not necessary to establish bias but it was sufficient to invalidate the selection process if it could be shown that there was reasonable likelihood of bias. The likelihood of bias may arise on account of proprietary interest or on account of personal reasons, such as, hostility to one party or personal friendship or family relationship with the other. Where reasonable likelihood of bias is alleged on the ground of relationship, the question would always be as to how close is the degree of relationship or in other words, is the nearness of relationship so great as to give rise to reasonable apprehension of bias on the part of the authority making the selection.

17. The High Court of Himachal Pradesh in ***D.K. Khanna case*** [(1973) 1 SLR 80 (HP)] drawing inspiration from ***A.K. Kraipak case*** [(1969) 2 SCC 262 : AIR 1970 SC 150 : (1970) 1 SCR 457] held that where one of the members of the Committee constituted for selecting members of the State Civil Service for promotion to the Indian Administrative Service, was the son-in-law of a candidate who was competing for inclusion in the list of selected candidates, the entire selection process was vitiated by the presence of such member, though he did not take any part in the consideration of his father-in-law's candidature or in any manner try to influence his colleagues in regard to his father-in-law. The High Court observed that the degree of relationship in this case was so close as to reasonably give an impression to the other candidates that there was a real likelihood of the son-in-law espousing the cause of his father-in-law as his own. So also in ***Surinder Nath Goyal case*** [(1973) 1 SLR 690 (P&H)] , the High

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> Court of Punjab and Haryana took the same view where it was found that two of the candidates appearing for selection were related to one of the members of the Selection Committee. The same approach was adopted by the High Court of Andhra Pradesh in ***M. Ariffudin case*** [(1973) 2 SLR 119 (AP)] where one of the members of the Andhra Pradesh Public Service Commission who sat on the Commission and participated in the selection for the posts of Professor and Lecturer in the Andhra Pradesh Technical Education Service, was a partner with some of the candidates appearing for the selection and it was held that the entire selection process was vitiated, because there was clearly reasonable likelihood of bias in favour of those candidates on the part of such member of the Commission. We may point out that so far as this last decision is concerned, it does not appear that the member of the Commission who was a partner with some of the candidates, withdrew when those candidates came to be interviewed and did not participate in the consideration of their candidature."

45. The aforesaid position finds further affirmation in the subsequent decision of this Court in ***Commander & Ors. v. Bhupendera Kardeam & Ors.***[31], wherein, although the principal controversy concerned the validity of a selection process, this Court examined the participation of officials in a process involving their family members and the consequent likelihood of bias arising from such circumstances. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "18. Given the background of the case and the allegations made therein, more specifically the constitution of the selection committee including the relatives of the candidates who have applied for appointment would highlight the manner in which the whole exercise was sought to be carried out. The exercise has not been fair, transparent and open. To set right such a selection, if the Tribunal has directed for a fresh consideration by a fresh selection committee we do not see any infirmity in such directions. This would also obviate any allegation of nepotism and bias. The Supreme Court in its opinion reported as (1969) 2 SCC 262 *A.K. Kripak* v. *Union of India* has held as under:
>
> > *"The members of the selection board other than Naqishbund, each one of them separately, have filed*

[31] 2013 SCC OnLine Del 4514

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affidavits in this Court swearing that Naqishbund in no manner influenced their decision in making the selections. In a group deliberation each member of the group is bound to influence the others, more so, if the member concerned is a person with special knowledge. Ms bias is likely to operate in a subtle manner. It is no wonder that the other members of the selection board are unaware of the extent to which his opinion influenced their conclusions. We are unable to accept the contention that in adjudging the suitability of the candidates the members of the board did not have any mutual discussion. It is not as if the records spoke of themselves. We are unable to believe that the members of selection board functioned like computers. At this stage it may also be noted that at the time the selections were made, the members of the selection board other than Naqishbund were not likely to have known that Basu had appealed against his supersession and that his appeal was pending before the State Government. Therefore there was no occasion for them to distrust the opinion expressed by Naqishbund. Hence the board in making the selections must necessarily have given weight to the opinion expressed by Naqishbund."

19. Further the Supreme Court in its opinion reported as (1985) 4 SCC 417 *Ashok Kumar Yadav* v. *State of Haryana* (connected matters) has held as under:

"We agree with the petitioners that it is one of the fundamental principles of our jurisprudence that no man can be a Judge in his own cause and that if there is a reasonable likelihood of bias it is "in accordance with natural justice and common sense that the justice likely to be so biased should be incapacitated from sitting". The question is not whether the judge is actually biased or in fact decides partially, but whether there is a real likelihood of bias. What is objectionable in such a case is not that the decision is actually tainted with bias but that the circumstances are such as to create a reasonable apprehension in the mind of others that there is a likelihood of bias affecting the decision. The basic principle underlying this rule is that justice must not only be done but must also appear to be done and this rule has received wide recognition in several decisions of this Court. It is also important to note that this rule is not confined to cases where judicial power stricto sensu is exercised. It is appropriately extended to all cases where an independent mind has to be applied to arrive at a fair and just decision between the rival claims of parties.

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Justice is not the function of the courts alone; it is also the duty of all those who are expected to decide fairly between contending parties. The strict standards applied to authorities exercising judicial power are being increasingly applied to administrative bodies, for it is vital to the maintenance of the rule of law in a welfare state where the jurisdiction of administrative bodies in increasing at a rapid pace that the instrumentalities of the State should discharge their functions in a fair and just manner. This was the basis on which the applicability of this rule was extended to the decision-making process of a selection committee constituted for selecting officers to the Indian Forests Service in A.K. Kraipak v. *Union of India. What happened in this case was that one Naquisbund, the acting Chief Conservator of Forests, Jammu and Kashmir was a member of the Selection Board which had been set up to select officers to the Indian Forest Service from those serving in the Forest Department of Jammu and Kashmir. Naquisbund who was a member of the Selection Board was also one of the candidates for selection to the Indian Forest Service. He did not sit on the Selection Board at the time when his name was considered for selection but he did sit on the Selection Board and participated in the deliberations when the names of his rival officers were considered for selection and took part in the deliberations of the Selection Board while preparing the list of the selected candidates in order of preference. This Court held that the presence of Naquishbund vitiated the selection on the ground that there was reasonable likelihood of bias affecting the process of selection. Hegde, J. speaking on behalf of the Court countered the argument that Naquisbund did not take part in the deliberations of the Selection Board when his name was considered, by saying : (SCC p. 270, para 15)*

But then the very fact that he was a member of the Selection Board must have its own impact on the decision of the Selection Board. Further, admittedly, he participated in the deliberations of the Selection Board when the claims of his rivals ... were considered. He was also party to the preparation of the list of selected candidates in order of preference. At every stage of his participation in the deliberation of the selection board, there was a conflict between his interest and duty .... The real question is not whether he was biased. It is difficult to prove the state of mind of a person. Therefore what we have to see is whether there is reasonable ground for believing that he was likely to have been biased .....

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> *There must be a reasonable likelihood of bias. In deciding the question of bias we have to take into consideration human probabilities and ordinary course of human conduct.*
>
> *This Court emphasised that it was not necessary to establishes as but it was sufficient to invalidate the selection process if it could be shown that there was reasonable likelihood of bias. The likelihood of bias may arise on account of proprietory interest or on account of personal reasons, such as, hostility to one party or personal friendship or family relationship with the other. Where reasonable likelihood of basis is alleged on the ground of relationship, the question would always be as to how close is the degree of relationship or in other words, is the nearness of relationship so great as to give rise to reasonable apprehension of bias on the part of the authority making the selection."*

46. Applying the aforesaid principle, Sh. R.K. Gaur, while serving as Director (Estate-I), NDMC, participated in the processing of the transactions through which the Petitioners acquired rights in respect of the subject premises, despite Petitioner No. 1 being his mother. The record further reflects that he recommended the request for approval without disclosing the aforesaid relationship and that the subsequent process concerning dissolution of the partnership and transfer/regularisation of the premises was also handled by him or his Division. In these circumstances, the fact that the final approval was accorded by the competent authority does not, by itself, dispel the concern arising from his participation in the preceding stages of the decision-making process. The learned Estate Officer specifically observed that Sh. R.K. Gaur ought to have recused himself from the matter, while the learned Appellate Court examined his role and the surrounding circumstances in upholding the Cancellation.

47. The decision-making process, viewed in its entirety, and in light of the examination undertaken by the learned Appellate Court as well

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as the learned Estate Officer, does not disclose any procedural unfairness or violation of the principles of natural justice warranting interference by this Court.

48. This Court now turns to a further contention raised on behalf of the Petitioners during the course of oral submissions, namely, that no notice under Section 4 of the PP Act had been received by them and that, consequently, the proceedings before the learned Estate Officer could not be regarded as having been validly instituted in accordance with the PP Act.

49. The specific contention that the notice under Section 4 of the PP Act was not received by the Petitioners does not form part of the pleaded challenge in the present Petition. Further, the Impugned Order does not return any finding upon such objection. The objection is, in any event, not a pure question of law, as its determination would necessarily involve factual questions concerning the issuance, service and receipt of the notice. This Court in the present Petition, is not persuaded to undertake a fresh factual enquiry into the said objection merely on the basis of an oral submission advanced during the course of hearing, particularly having regard to the limited scope of scrutiny available to this Court in the exercise of its writ or supervisory jurisdiction.

50. Quite apart from the aforesaid aspect, the material forming part of the record before this Court does not support the submission that the proceedings before the learned Estate Officer were initiated without a notice under Section 4 of the PP Act. The learned Estate Officer, in the Order dated 09.11.2017, has specifically recorded that a notice under Section 4 of the PP Act dated 04.08.2017 was issued to

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the Petitioners. The learned Estate Officer has also dealt with the issue concerning the said notice in his findings. The said statutory notice was thus subsequent to, and distinct from, the Show Cause Notice dated 07.07.2017 and the Cancellation dated 25.07.2017. The relevant portion of the findings recorded by the learned Estate Officer in the Order dated 09.11.2017 is reproduced hereinbelow:

> "**7. Findings of EO Court:**
> From the pleadings of both the parties, the following findings are drawn:
> (i) That Sh. R.K. Gaur the then Director(Estate-I) is the son of Smt. Mishri Devi as admitted in her written reply.
> (ii) That Sh. R.K. Gaur has processed the case for regularization of this property in the name of Smt. Mishri Devi as Director(Estate) and also transferred the property after approving the dissolution in favour of Smt. Mishri Devi who happens to be his mother during his tenure.
> (iii) It is also established that his conduct and approvals on the file had facilitated Smt. Mishri Devi who happens to be his mother to get into the possession and gain occupancy rights of such premises without disclosing the fact that he is son of Smt. Mishri Devi.
> (iv) The pleadings also indicate that at various stages Sh. R.K. Gaur, duly assisted by his staff, as pleaded in the application of the applicant had misused his position by ensuring that Smt. Mishri Devi is given benefit of obtaining a shop in a prime area of New Delhi Municipal Council.
> (v) In support of those findings, the applicant NDMC has also submitted the documents of confirmation duly signed by the then dealing assist. Sh. Kishore Prasad & Sh. Himanshu Ranjan, then the Dy. Director(Estate-I) and also submitted documents confirming approval and regularization in the name of Smt. Mishri Devi & Smt. Manorama Sharma. The documentary evidence attached to the pleading and shown in the argument indicate that the Sh. R.K Gaur has actively participated in getting property transferred to his mother during his tenure.
> (vi) Apart from this, the application submitted by Smt. Mishri Devi for dissolution of partnership base initials (27.4.2015) of the then Director(Estate-I) Sh. R.K. Gaur who is son of Smt. Mishri Devi.
> (vii) The Estate Officer has gone through the pleadings of the applicant NDMC alongwith necessary documentary evidences. It was admitted by the respondents in their reply that Sh. R.K. Gaur who is also son of respondent no. 1. However, they pleaded that notice under section 4 was not issued, but from the records it is noticed that notice under section 4 was already issued vide notice dated 04.8.2017. Hence there is compliance of statutory

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requirement besides following principles of natural justice in according opportunity of hearing, both written, documentary and in person. Smt. Mishri Devi, who had appeared in person also confirmed that Sh. R.K. Gaur is her son. She also admitted that this property was purchased for her grandsons and statement was given to this effect. The applicant NDMC had stated that such kind of act of getting the properties regularized in the name of their own relatives and relations is violation of conduct rules under CCS(Conduct) Rules, 1964.

(viii) The advocate of applicant quoted that CCS(Conduct) Rules under Rule 3 prohibit misusing position as a Civil servant for providing material benefits for himself, his family or friends. Besides this, Ld. Counsel has also argued that it amounts to offence under Prevention of Corruption Act and also liable for criminal action.

(ix) Respondents pleaded that her son though Director had followed the policy and according there is no infirmity in the policy. However, the Applicant NDMC argued that the special treatment was given by the concerned dealing asstt and Dy Director in connivance with Director by suppressing vigilance case and also by wrongly regularizing the case being the mother of Director.

(x) This court feels that director should have recused himself from the case rather than being actively associating with approvals and ensuring giving of possession of the property to his mother and relatives.

(xi) The documentary evidence showing the verification of persons and documents by the Concerned Dealing Asstt, Deputy director and duly approved by the Director indicate there is a malafide intention in giving benefit to the respondents by wrongly transferring the property and its possession to the family members of the Director himself."

51. The distinction between the aforesaid proceedings is material. The Show Cause Notice dated 07.07.2017 was issued by the Deputy Director (Estate-I), NDMC, in the course of the administrative process concerning the rights claimed by the Petitioners. The Cancellation dated 25.07.2017 followed thereafter. It was only subsequent thereto that proceedings under Sections 5 and 7 of the PP Act came to be instituted before the learned Estate Officer, in the course of which the learned Estate Officer records issuance of the notice under Section 4 dated 04.08.2017. The departmental Show Cause Notice and the

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statutory notice under Section 4 of the PP Act thus operated at distinct stages and served distinct purposes.

52. It is further material that the Petitioners entered appearance before the learned Estate Officer and contested the proceedings. The record reflects that they filed their Reply and participated in the proceedings which ultimately culminated in the Order dated 09.11.2017. The proceedings were thus contested on merits before the statutory authority and were thereafter subjected to appellate scrutiny under Section 9 of the PP Act.

53. Assuming, *arguendo*, that the Petitioners seek to maintain that the notice under Section 4 of the PP Act was not served upon them notwithstanding the aforesaid recording in the Order dated 09.11.2017 of the learned Estate Officer, such a contention would necessarily raise a disputed question of fact concerning the issuance and service of the said notice. Significantly, there is no material placed on record before this Court in support of the specific assertion of non-service. The determination of such an issue would, therefore, require a proper factual foundation and consideration of the relevant contemporaneous material. The same cannot appropriately be undertaken in the present proceedings merely on the basis of an oral assertion which does not form part of the pleaded challenge.

54. The aforesaid approach is also consistent with the settled principle that a Court cannot adjudicate a case upon a factual foundation which falls outside the pleadings of the parties. In ***Rani Laxmibai Kshetriya Gramin Bank v. Chand Behari Kapoor***[32]**,** the Hon'ble Supreme Court held that a decision cannot be based upon a

[32] (1998) 7 SCC 469

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ground outside the pleadings and that it is the case pleaded by the parties which has to be adjudicated. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**8.** Coming to the first question, it transpires that the appellant-Bank opened only two branches in the rural area in the year 1982. For extending its banks, it had applied to the Reserve Bank of India for 30 new licences for opening of new branches. Calculating the number of officers which may be necessary to man these new branches, advertisement had been issued on 18-7-1983 inviting applications for 35 posts of Probationary Officers and 35 posts of Field Supervisors. The appellant then applied to the Reserve Bank for licences to open 27 more branches in the year 1983 and during 1984 and 1985, similar applications had been made for licences to open 20 branches in 1984 and 17 branches in the year 1985. In anticipation of the grant of licences by the Reserve Bank of India and consequential opening of branches in different rural areas, the appellant had taken the decision to increase the number of posts of Probationary Officers as well as Field Supervisors. But as against 94 applications for licences for opening new branches, in fact only 46 branches had been opened and there could not be expansion of business activity by opening new branches because of the revised licensing policy of the Reserve Bank of India issued in October 1985. The appellant had categorically asserted before the High Court that there exist no vacancies in the cadre of Field Supervisor or Probationary Officer and in view of such assertion, it was for the respondents who claim the right of being appointed to establish that in fact vacancies exist. But we do not find any reliable materials produced by the respondents from which a conclusion could be arrived at that there exist vacancies in the Bank. The High Court, however, entered into the arena of calculation basing upon the principle that there should be appointment of one Field Officer for 500 accounts as was decided by the Board in its resolution and taking into account the 46 branches which the Bank had, the number of vacancies in the post of Field Supervisors must be much more than 55 and only 26 Field Supervisors had been appointed pursuant to the advertisement dated 18-7-1983. This process of conclusion in our considered opinion is wholly erroneous and is not permissible for a court in exercise of its jurisdiction under Article 226 of the Constitution. As has been stated earlier, the process of selection to different posts in the Bank being made in anticipation of opening of new branches and the requirement of officers for new branches, but that does not mean that at the material point of time, in fact any vacancy exists and at any rate, no materials having been produced by the respondents, the Court could not have come to the conclusion that vacancies exist. It is in this connection, it would also be appropriate to notice that whether

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> six of the Field Supervisors appointed resigned and thus consequential vacancies were available. We have carefully scrutinised the averments made in the writ petitions filed by the respondents in the High Court as well as the rejoinder-affidavit filed in the said Court and we do not find any assertion that has been made in that regard. From the impugned judgment, however, it appears that in the course of argument, a contention in that regard had been advanced by the respondents and the Bank had been called upon to give its reply but no positive reply having been filed, the High Court jumped to the conclusion that in fact six persons resigned and consequential vacancies were there. We, however, are unable to sustain this line of reasoning of the High Court. The writ petitioners not having made any averments alleging resigning of six of the Field Supervisors after being appointed, the Bank had no obligation to give any reply. In the course of hearing, if a contention had been raised and supporting material produced, then the Bank might have been obliged to file the specific reply but no such material appears to have been produced by the writ petitioners before the High Court and in such context, absence of reply by the Bank does not ipso facto establish the contention raised. It is too well settled that the petitioner who approaches the court invoking the extraordinary jurisdiction of the court under Article 226 must fully aver and establish his rights flowing from the bundle of facts thereby requiring the respondent to indicate its stand either by denial or by positive assertions. But in the absence of any averments in the writ petition or even in the rejoinder-affidavit, it is not permissible for a court to arrive at a conclusion on a factual position merely on the basis of submissions made in the course of hearing. The High Court, therefore, in our view committed serious error in coming to the conclusion that there existed vacancies in the post of Field Supervisor on the materials produced before it. In fact the respondents herein who were the petitioners in the High Court had not produced any material in support of their stand that vacancies existed and yet appointments have not been made. We are of the considered opinion that the conclusion of the High Court that there existed vacancies is unsustainable in law and is accordingly set aside."

55. In view of the aforesaid, the oral submission regarding alleged non-receipt of the notice under Section 4 of the PP Act does not furnish a basis for this Court to hold that the proceedings before the learned Estate Officer were initiated without compliance with Section 4 of the PP Act.

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56. The grounds specifically pleaded in the present Petition, when examined in the aforesaid context, do not disclose any jurisdictional error, patent illegality, perversity or procedural infirmity in the Impugned Order. The Petitioners have not demonstrated that the Cancellation dated 25.07.2017 was vitiated in a manner which would preserve or revive the authority under which they claimed occupation of the subject premises.

57. Once the said authority ceased to subsist and no independent or subsisting authority in favour of the Petitioners was demonstrated thereafter, their continued occupation fell within the ambit of *"unauthorised occupation"* under Section 2(g) of the PP Act. The learned Estate Officer was, therefore, justified in examining the Petitioners' occupation on that basis, and the learned Appellate Court committed no error in affirming the said determination. The remaining grievances essentially seek re-appreciation of the factual material concerning the acquisition and subsequent cancellation of the rights claimed by the Petitioners, the circumstances surrounding the involvement of Sh. R.K. Gaur and the consideration accorded to the Petitioners' defence.

CONCLUSION:

58. In view of the foregoing discussion, the grounds specifically pleaded in the present Petition, therefore, do not disclose any jurisdictional error, patent illegality, perversity or procedural infirmity in the Impugned Order.

59. In the present case, the Petitioners essentially seek a re-appreciation of the factual circumstances concerning the acquisition of their rights, the material which resulted in cancellation thereof and the

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conclusions drawn by the learned Estate Officer and thereafter affirmed by the learned Appellate Court, which is impermissible in the absence of any manifest infirmity in the decision-making process.

60. Accordingly, this Court finds no infirmity in the approach adopted by the learned Appellate Court in affirming the Order dated 09.11.2017 passed by the learned Estate Officer and finds no ground to interfere with the Impugned Order dated 14.01.2019 in exercise of jurisdiction under Articles 226 and 227 of the Constitution.

61. In view thereof, the present Petition is dismissed.

62. Accordingly, the present Petition, along with the pending Application(s), if any, shall stand disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 27, 2026/ma

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