

कार्यालय, रक्षा लेखा महानियंत्रक
उलान बटार मार्ग, पालम, दिल्ली छावनी-110010

AN/XII/18026/Subject File

Dated 1.07.2016

To

All PCsDA/CsDA, (Estate Officer)
(Through CGDA Web Site)

Subject: Orders passed under Section 5A of the Public Premises (Eviction of unauthorized Occupation) Act, 1971.

A Copy of the circular dated 22.2.2016 along with its enclosures received from Ministry of Law and Justice, Deptt of Legal affairs is enclosed herewith for further necessary action please.



(Mustaq Ahmad)
Dy. CGDA (Admin)

24
25/23

No.J.17/4/2016-JS-Judl.
Government of India
Ministry of Law & Justice
Department of Legal Affairs

February 22, 2016

CIRCULAR

I am forwarding herewith an important Order dated 12.1.2016 of the full Bench presided by Hon'ble Dr. D.Y. Chandrachud, Chief Justice, Allahabad High Court wherein it has been held that an order passed under Section 5A of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 is not appealable and the decision in Sanjay Agarwal Writ Petition No.14580 of 2012 dated 26th March, 2012 does not lay down the correct proposition of law. The Court has held that provisions of Section 5A of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 for removal of encroachment and unauthorized construction on the public premises and that Section 5B applies to the situation where a person in occupation of public premises is under an authority but the work which has been commenced without authority.

gk
a/v

2. The Court took note of Sections 4 and 5 as well as definition of unauthorized occupation which includes authority which has been expired or determined also.

Add
FAL/AR/3

3. This landmark judgement may be used by various authorities to seek eviction of unauthorized occupants covered especially under Sections 5,5A and 5B of Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The Judgement and order may be downloaded from the Allahabad High Court site i.e. www.allahabadhighcourt.in

1052/Addl. FA(AR)
2/2/2016

4. You are, therefore, requested to bring the same into the notice of all the Estate Officers or other authorities concerning public premises for guidance and appropriate necessary action.

28/03
DFA (Wood.)

(SURESH CHANDRA)
Joint Secretary & Legal Adviser

To

1. All Secretaries to the Government of India
2. Director General, Defence Estates
3. PPS to Law Secretary
4. All concerned Group Heads in the Department of Legal Affairs
5. Central Agency Section, Supreme Court, New Delhi
6. Law Officers in various High Courts
7. NIC to upload on the website
8. LIMBS Team to upload on LIMBS.

806/c/16
19.3.16

