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M. SATYANANDAM

v.

DEPUTY SECRETARY TO THE GOVERNMENT OF ANDHRA PRADESH & ANR.

B JULY 17, 1987

[SABYASACHI MUKHARJI AND G.L. OZA, JJ.]

Administrative Law—Release of possession of premises held by Government—Government has power to review its earlier order by taking subsequent events into consideration.

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The petitioner was an allottee of the premises held by the Government at the relevant time. The landlady applied for release of the premises but the request was rejected. However, upon a further re-presantation made by the landlady stating that her son was not allowing D **her to live with him in another house belonging to her, the Government made an order releasing the premises in her favour and asked the petitioner to vacate the premises. Several notices were also issued to him in that behalf. The petitioner challenged the order of release contending that he had not been given an opportunity to show cause, and, that the Government had no power to review its earlier order rejecting** E **the request; but the petition was dismissed by the High Court.**

Dismissing the petition for Special Leave to appeal.

HELD: It is well settled law of this Court that in case of *bona fide* need, subsequent events must be taken into account if they are relevant F **to the question of release of possession of the premises. The contention that the Government cannot review its own order cannot be accepted. When, in spite of the notices given to him, the petitioner did not choose to move out of the premises it cannot be said that he was not given an opportunity to show cause. [567B-C]**

G CIVIL APPELLATE JURISDICTION: Special Leave Petition (Civil) No. 7213 of 1987.

From the Judgment and Order dated 19.5.1987 of the Andhra Pradesh High Court in W.A. No. 672 of 1987.

H P.P. Rao and P.P. Singh for the Appellant.

The Judgment of the Court was delivered by

SABYASACHI MUKHARJI, J. This petition arises out of the judgment and order of the High Court of Andhra Pradesh. Sree P.P. Rao, learned counsel for the petitioner submits that the order of release was bad because the authorised officer had no power to review the previous order nor he had the power to release the property of the landlady without even giving an opportunity to the petitioner. In the facts of this case as noted by the High Court, we are unable to entertain these contentions. We are unable to accept the contention that the Government cannot review its own order. It is well-settled law of this Court that in case of bona fide need subsequent events must be taken into account if they are relevant on the question of release or possession of the premises in question. On a previous occasion the Government had declined to release the premises, later on the representation made by the landlady the Government changed its decision. The landlady had filed an application for releasing the premises in her favour, but the same was initially rejected on 25.9.1978. Again the landlady made a further representation stating certain additional and fresh circumstances, that is to say, that her son was not allowing her to live with him in another house belonging to her. The Government took into account the subsequent events and passed the order on 19.3.1980 releasing the premises in favour of the landlady. We do not see how to take cognizance of such subsequent events releasing the premises can be described an order in nullity in the facts of this case.

The next contention was that the petitioner was an allottee of the premises by virtue of his being in service but the petitioner was really a tenant of the premises in question.

The Government informed the petitioner to make alternative arrangements or seek accommodation. The Government issued several notices on 24.11.1978, 22.5.1979, 12.7.1979, 27.9.1970 and 17.1.1980 to the petitioner and these facts have been stated and have also been taken note of by the High Court in the judgment under challenge. In spite of the said notices given to the petitioner who was an allottee and who was informed about the requirement of the landlady, the petitioner did not choose to move out from the premises. In the meantime, the petitioner has retired from service in 1986 and a long time has passed now. In this case we do not think it can be said that the order was bad because the petitioner was initially not given an opportunity to show cause. Actually the petitioner had enough opportunity. In the premises, the special leave petition fails and we do

A not find any ground to interfere with the order of the High Court.

Having regard to the facts that the petitioner had acquired government accommodation and he has stayed in the premises in question for sometime, we allow him to make alternative arrangement by 31.12.1987. The order for eviction will not be executed until B 31.12.1987 provided the petitioner files an undertaking in this Court within four weeks from today to vacate and hand over the premises in question.

H.L.C. Petition dismissed.