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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9779/2017**

BHURA KHAN

..... Petitioner

Through: Ms Zubeda Begum, Ms Sana Ansari,
Ms Vaishali Tanwar and Ms Mrigna
Shekhar, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr Rajesh Gogna, CGSC with Ms
Vipra Bhardwaj, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.11.2017

CM No. 39789/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 9779/2017 & CM No.39788/2017

2. Issue notice. The learned counsel for the respondent accepts notice.

The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) to allot a Type-I, habitable quarter, in lieu of the
surrendered quarter.

b) issue a writ of certiorari declaring the action of
the respondent in allotting quarters suffering
from arbitrariness.

c) to allocate shifting allowance.”

3. The petitioner is employed as a *beldar* with the respondent and by virtue of his employment was provided accommodation (Type-I) at Netaji Nagar, New Delhi. It is stated that since Netaji Nagar was to be redeveloped, the petitioner was asked to shift to another accommodation and was allotted

a quarter bearing no.56-A, Sector-IV, Pushp Vihar, M. B. Road, New Delhi. It is the petitioner's case that he had in good faith signed the forms given to him which included a declaration accepting the quarter allotted to him as being habitable. He states that he is an illiterate person and did not realise what he was signing. The petitioner's grievance is that on reaching the allotted quarter he was shocked to see that there was a stagnant water that had collected in the flat and there were swarms of mosquitoes and flies in the flat.

4. He alleges that the ground level of the quarter is lower than the ground floor level outside the building with the result the water collects inside the accommodation.

5. Mr Gogna, the learned counsel for the respondent fairly states that the quarter would be re-inspected and if it is found to be not habitable, the respondent shall take necessary action to rectify the defects within a period of two weeks. It is so directed. The petitioner shall visit the said premises on 10.11.2017 at 10:30 AM. The respondent shall ensure that one of its responsible officials is present at the said quarter so that it can be jointly inspected.

6. It is further directed that in the event, the respondent is unable to make the said quarter habitable within a period of two weeks, the respondent shall ensure that the alternative flat is allotted to the petitioner.

7. No further orders are required to be passed in this petition. The petition is, accordingly, disposed of with the above directions.

8. Order *dasti*.

VIBHU BAKHRU, J

NOVEMBER 06, 2017/ MK