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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7376/2013 & CM APPL. 15838/2013, 22297/2015

CT. DASHRATH AND ORS

..... Petitioners

Through

Mr. Balendu Shekhar, Advocate

versus

COMMISSIONER OF POLICE & ORS

..... Respondents

Through

Mr. Anuj Aggarwal, ASC (Civil),
 GNCTD with Mr. Deboshree
 Mukherjee, Advocate for Delhi
 Police/R-1 & 2.
 Mr. Pawan Mathur, Standing Counsel
 for DDA/R-3.
 Mr. Peeyoosh Kalra, ASC (Civil),
 GNCTD with Ms. Sona Babbar,
 Advocate for PWD/R-4.

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Date of Decision: 16th November, 2016**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****J U D G M E N T****MANMOHAN, J: (Oral)**

1. The present writ petition had been filed raising a grievance that flats given to Delhi Police officials at Dwarka, Sector-13, Phase-I and Phase-II, New Delhi in Type B(II) were dilapidated.

2. On 6th May, 2014, this Court had passed a detailed order. The relevant portion of the said order is reproduced hereinbelow:-

“Learned counsel for petitioner refers to the photographs on record to submit that there is imminent danger of life to the occupants of the building. In fact, it is stated that petitioner No.1 was also injured on account of collapse of part of the roof. On the other hand, learned counsel for respondents No.1, 2 and 4 draws this Court’s attention to an Office Order passed by the Commissioner of Police fixing the annual ceiling of expenditure on the works of addition and alteration to be carried out.

This Court is prima facie of the view that if the Delhi Police officials are provided dilapidated accommodation, they would not be able to discharge their duties efficiently and effectively. In the opinion of this Court, the State owes a duty to provide reasonable, safe and secure accommodation to its officials.

This Court is further of the opinion that ceiling of expenditure on works of addition and alteration de hors the condition of the property is arbitrary and unreasonable. If a property requires extensive repair and renovation, the respondents cannot take the stand that they would not spend more than the ceiling amount.

This Court is also prima facie of the view that even if there is some corruption in carrying out repairs as suggested by the Memorandum fixing ceiling, then methods must be found to control corruption. But no Government can take the stand that it will cease to function or carry out any activity because its activities lead to corruption.

Since no counter affidavit is on record despite issuance of notice on 25th November, 2013, this Court directs formation of the Committee comprising one representative each to be nominated by the Secretary, PWD, Delhi, Commissioner of Delhi Police, Commissioner South Delhi Municipal Corporation, CEO, Delhi Jal Board and Vice Chairman, Delhi Development Authority.

The Committee shall be headed by the officer nominated by the Commissioner of Police. Consequently, the

Commissioner of Delhi Police is directed to appoint a relatively senior officer to the Committee.”

3. On 4th March, 2016, learned senior counsel for respondent no. 1- Commissioner of Police had stated that repair and renovation work in all but one quarter had been carried out. Consequently, this Court on the said date directed a multidisciplinary Committee to visit the premises in question and furnish a report.

4. In pursuance to the order dated 4th March, 2016 an inspection has been carried out by a Committee headed by Joint Commissioner of Police/Planning & Implementation, Delhi.

5. Today in Court, a photocopy of the inspection report dated 21st April, 2016 has been handed over, which is taken on record. The said report is reproduced as under:-

“In pursuance of order of Hon’ble High Court of Delhi in c/w WP(C) 7376/2014-Ct. Dashrath and Ors. Vs. Commissioner of Police & Ors., a Committee was constituted under the Chairmanship of Joint Commissioner of Police/Planning & Implementation, Delhi. The Hon’ble High Court had ordered on 06.05.2014 for the formation of a Committee comprising one representative each to be nominated by the Secretary PWD, Delhi, Commissioner of Delhi Police, Commissioner South Delhi Municipal Corporation, CEO, Delhi Jal Board and Vice Chairman, Delhi Development Authority.

In compliance of orders dated 4.3.2016 of Hon’ble Mr. Justice Manmohan, High Court of Delhi at New Delhi, a meeting notice was issued vide PHQ’s letter No. 4270-77/ L&B Cell/PHQ (DA-V) dated 13.4.2016 requested the Commissioner, South Delhi Municipal Corporation, CEO, Delhi Jal Board, Dy. Director (Planning), DDA, Executive Engineer, PWD, Executive Engineer (Elect.) PWD that the Committee will visit at Police Colony, Sec. 13

Dwarka on 18.04.2016 at 5.00 PM. The Committee is comprised of one representative of each department mentioned above. Accordingly, the Committee headed by Jt. Commissioner of Police, Planning & Implementation, Delhi nominated by the Commissioner of Police alongwith the following representatives of PWD, DDA, SDMC, DJB and the local residents visited/ inspected the site:-

- 1. Sh. Manish Kumar Gupta, EE (E) South West, PWD.*
- 2. Sh. A.K. Tyagi, AE (E) South West, Sub Div. I, PWD.*
- 3. Sh. Pankaj Kumar, JE (E) South West SD-2, PWD.*
- 4. Sh. B.K. Garg, EE Civil, PWD.*
- 5. Sh. V.R. Mishra, AE Civil SWBMD, PWD.*
- 6. Sh. Rajender Meena, JE Civil, PWD.*
- 7. Sh. S.P. Singh, AE Civil, WD 15, DDA.*
- 8. Ms. Kakoli Haiti, Dy. Dir. Plg. DDA.*
- 9. Sh. Devender Singh, JE, DJB.*
- 10. Sh. V.K. Gupta, AE, SDMC.*

During the visit/inspection, Jt. Commissioner of Police/Planning & Implementation, asked PWD officials (civil & electrical), Delhi Jal Board, South Delhi Municipal Corporation and Delhi Development Authority about the progress of repair/maintenance works carried out in Police Colony at Sector 13, Dwarka (Phase-I & II), Delhi. They informed that all the works have been carried out.

Further Jt. Commissioner of Police/Planning & Implementation asked from the residents present during site visit about the progress of repair/maintenance works. The following residents of Police quarters, who were present put forth their views about the latest position of works carried out by PWD:-

- 1. Cont. Mahesh No. 108631/ PCR, R/o. Qtr. No. 321, Sec. 13, Dwarka stated that due to dampness in his quarter, the whitewash is eroded from many places. Sh. V.K. Garg, EE Civil, PWD and Sh. S.P. Singh AE, DDA informed that this problem has arisen due to the salty water in the whole area of Dwarka. Jt. Commissioner of Police/ Planning & Implementation directed Sh. V.K. Garg, EE Civil, PWD to do the needful.*

2. *HC Dvr. Dashrath, No. 2171/ South West R/o quarter No. 336, Sec. 13, Dwarka, the petitioner informed that the repair/maintenance works have been carried out by PWD in his quarter is satisfactory. However, proper slope is not provided between verandah and bathroom. Jt. Commissioner of Police/Planning & Implementation directed Sh. V.K. Garg, EE Civil, PWD to do the needful.*

3. *SI Balbeer Meena, R/O quarter No. 220, Sec. 13, Dwarka informed that the jungla has not been installed in the window by PWD Sh. V.K. Garg, EE Civil, PWD informed that the allottee has done unauthorized construction in the quarter. Therefore, window of size 1.35 x 1.35 mtrs cannot be fixed in unauthorized construction.*

4. *ASI Mohinder No. 3223/South West, R/o quarter No. 201 informed that proper slope is not provided between verandah and bathroom, Jt. Commissioner of Police/ Planning & Implementation directed Sh. V.K. Garg, EE Civil, PWD to do the needful.*

5. *Const. Davinder Kumar No. 506/South West, R/o quarter No. 290 Sec. 13, Dwarka informed that there are holes in the fiber shed. Jt. Commissioner of Police/ Planning & Implementation directed Sh. V.K. Garg, EE Civil, PWD to do the needful.*

6. *MTS Prem Singh R/o quarter No. 344 Sec. 13, Dwarka informed that the chajjas on door and window should be installed in his quarter. Sh. V.K. Garg, EE Civil, PWD stated that the chajjas could not be installed/ provided due to unauthorized construction.*

7. *HC Naresh No. 337/ South West R/o quarter No. 320 Sec. 13, Dwarka informed that one coat of whitewash has been done in his quarter and second coat whitewash should be done. Jt. Commissioner of Police/ Planning & Implementation directed Sh. V.K. Garg, EE Civil, PWD to do the needful.*

During the visit/inspection some of the allottees have explained their grievances i.e. sun shed on the window/ doors should be provided to protect rainy water and their dampness in most of the

quarters. Jt. Commissioner of Police/ Planning & Implementation directed Sh. V.K. Garg, EE Civil, PWD that only those shortcomings may be removed which are required as per the requirement of plans of DDA. No work should be carried out in the unauthorized construction done by the allottee. Sh. V.K. Garg, EE Civil, PWD assured to remove the shortcomings as pointed out.

It is pertinent to mention here that the directions given by the Hon'ble Court on 6th May, 2014 have been fully complied with.

Jt. Commissioner of Police/ Planning & Implementation directed all officials concern to attend the Hon'ble Delhi High Court on 26.04.2016 at 10 A.M.

*(G.S. Awana),
DY. COMMISSIONER OF POLICE,
LAND & BUILDING CELL : PHQ”*

6. In view of the aforesaid report, this Court is of the opinion that the directions given by it on 6th May, 2014 have been complied with. Consequently, present writ petition and pending applications are disposed of as satisfied.

7. In the event petitioners have any grievance in future with regard to the maintenance of the quarters at Sector 13, Phase-I and Phase-II, Dwarka, New Delhi, they are given liberty to approach Junior Engineer (Civil) (Personal), Mob. 9718808079, Office of the Assistant Engineer, IIT Campus, Sector 9, Dwarka, PWD Service Centre, Govt. of NCT of Delhi, who is directed to take action in accordance with law.

MANMOHAN, J

NOVEMBER 16, 2016

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