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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7670/2013 & C.M. APPL.9437/2016

B.B SAXENA & ANR

..... Petitioners

Through: Mr. B.S. Mathur, Advocate with
Mr. Rajat Mathur and Ms. Aditee,
Advocates

versus

DELHI DEVELOPMENT AUTHORITY AND ANR Respondents

Through: Mr. Kush Sharma, Advocate with
Mr. Sagar Mehrotra and Mr. Anirudh
Chadha, Advocates for DDA.
Mr. T.V.S. Raghvendra Sreyas,
Advocate with Ms. Gayatri Gulati,
Advocate for respondent No.2.
Mr. G.D.Mishra, Standing counsel for
Respondent No.4/SDMC.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

25.07.2016

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Present writ petition has been filed with the following prayers:-

“ (i) issue Writ in the nature of mandamus or any other Writ or Direction or order directing the Respondents to protect the fundamental rights of the Petitioners guaranteed to them under Articles 14, 19(1)(e) and 21 of the Constitution of India, by providing to them separate, direct and safe passage in the form of stairs etc. to access the common space on the terrace of the flat no.284, Vasant Enclave, Vasant Vihar, New Delhi; and

(ii) issue any other Writ or Direction or order, directing the Respondents to compensate the Petitioners for the expenses made out of pension of Petitioner no.1 for purchasing mineral water to protect health & life of themselves & their family, totally due to inaction & dereliction on the part of the Respondents; and

(iii) issue any other Writ, Order or Direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

Admittedly, prayer (ii) was given up by the petitioner. Consequently, only prayer (i) survives for consideration.

DDA in pursuance to the order dated 20th January, 2016 has filed an affidavit in which it is stated that the Screening Committee has proposed construction of cat-ladder standard design/specification i.e. 830 mm x 1290 mm with slight shifting of rain water pipe.

However, learned counsel for petitioner states that the decision of the Screening Committee is contrary to law and not practical.

Consequently, present writ petition and application are disposed of with liberty to the petitioner to challenge the decision of the Screening Committee in accordance with law.

It is made clear that this Court has not expressed any opinion on the merits of the controversy. Rights and contentions of all parties are left open.

MANMOHAN, J

JULY 25, 2016

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