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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5349/2017 & CM No.22638/2017

LOKESH KUMAR SISODIA

..... Petitioner

Through: Mr Sanjeev Singh and Mr Lokesh  
Sisodia, Advocates.

versus

DELHI AGRICULTURAL MARKETING BOARD  
(GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms Avnish Ahlawat with Ms Palak  
Rohmetra, Advocates for R-1.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**06.07.2017**

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

“It is most respectfully prayed that this Hon’ble court may very kindly pleased to issue a writ, order and direction in the nature of writ of mandamus directing the respondent to allot a flat/quarter preferably on the ground floor or at the most on the first floor in its DAMB Apptt., Rohini, Delhi in lieu of Flat No.39, Type I, Third Floor, DAMB Apptt., Rohini, keeping in view the physical disability/he being physically handicapped.

It is further prayed that a writ, order or direction in the nature of Prohibition be issued thereby prohibiting the respondent from allotting flat/Quarter on the ground and/or on convenient floor in its DAMB Apptt., Rohini, Delhi to any one till the petitioner is allotted a flat on the ground floor or on convenient floor in the said Apartment.

It is further prayed that an action may kindly be taken against the erred officials of the respondent.”

2. The respondent states that the petitioner has already been allotted an apartment - flat no.12 of Type-II - at Delhi Agricultural Marketing Board Apartments, Rohini, Delhi. The said apartment is located on the first floor and, therefore, the relief as sought for by the petitioner in the present petition stands addressed.

3. However, the learned counsel for the petitioner submits that the flat allotted to the petitioner is not convenient as it is in the rear side of the colony and the stairs are not built in a manner that can be ascended easily. The petitioner now seeks allotment of flat no.5 on the second floor, which according to the petitioner is more convenient for him but has been allotted to a person who was placed lower in the order of seniority.

4. Ms Ahlawat, learned counsel for the respondent states that a representation to this effect had been made by the petitioner, which was considered but could not be acceded to. She has handed over a letter dated 05.07.2017 whereby the petitioner's representation was disposed of. Plainly, the petitioner cannot be allotted flat no.5 as the same fell vacant after the petitioner was allotted flat no.12 and the same has already been allotted to respondent no.4. It is stated that respondent no.4 has also got the apartment whitewashed and has also installed the electricity connection meter. In any event, this Court does not consider that it will be fair to deprive respondent no.4 of his allotment only for the reason that is considered to be more desirable by the petitioner.

5. This Court has examined the layout plan of the colony and it is correct that flat no.5 is nearer to the entrance of the colony. However, it is also

clear that the residential colony in question does not consists of a large number of flats ( this court is informed that there are only 32 flats) and flat no.12 is only a few blocks away. Further, there does not appear to be any impediment in accessing the said flat. It is also relevant to note that a flat allotted to the petitioner is on the first floor whereas flat no.5 is located on the second floor.

6. Ms Alhawati also states that if the petitioner is willing to wait for the next flat of Type-II to be vacant, there would be no difficulty in allotting the said flat to him. However, she also states that it is unlikely that any Type-II flat would fall vacant within the next six months.

7. In the circumstances, this Court is not inclined to issue any further directions in this manner. Accordingly, the petition and the pending application are dismissed.

**VIBHU BAKHRU, J**

**JULY 06, 2017**  
**MK**