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

+ W.P.(C) 2966/2018 & CM. APPL. No.11879/2018

RESIDENT WELFARE ASSOCIATION,
POLICE COLONY, ANDREWS GANJ,
NEW DELHI

..... Petitioner

Through: Ms. Neelam Rathore with Mr.
Shaantanu Devansh and Ms. Pooja
Sharma, Advs.

versus

DEPUTY COMMISSIONER OF POLICE GENERAL
ADMINISTRATION, DELHI & ORS

..... Respondent

Through: Mr. Ramesh Singh, Standing Counsel
with Ms. Prabhsahay Kaur, Adv. for
GNCTD.

Mr. Ashim Sood, CGSC with Ms.
Payal Chandra, Adv. for R-4.
Ms. Deepali Gupta, Adv. for DSIIDC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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28.05.2018

1. I have perused the additional affidavits filed on behalf of the respondent No.1 dated 7.4.2018 and 20.4.2018. The position of the official respondents is that the Government Quarters of Police Colony, Andrews Ganj of Type-I & II (except D & W block) have already been declared dangerous, unfit for human habitation and also beyond economical repair by the P.W.D. authorities vide their letter dated 25.8.2008.

1.1 It is further submitted that vide communication dated 26.7.2017 received from respondent No.2/District Disaster Management Authority

(South), Govt. of NCT of Delhi that no block of Police Colony, Andrews Ganj (except Block D & W) is safe and in a habitable condition and that any portion from any part of the building can fall anywhere in the colony, which may cause serious loss to life or property.

1.2 Furthermore, the respondents have offered alternate accommodation to the members of the petitioner association in various parts of Delhi.

2. I have noted in my previous orders that 111 allottees/residents, out of total number of 177 have given their option for alternate accommodation.

3. As a matter of fact, as per the affidavit dated 7.4.2018, 67 allottees have given their option. It is the stand of the official respondents that 99 allottees can be accommodated in other police colonies/residential complexes of Delhi Police in National Capital Territory, as per the details given in Annexure A-1 appended to the said affidavit.

4. Ms. Rathore, who, appears for the petitioner association, says that the official respondents do not have enough alternate accommodation available in South District and South West District.

4.1 The position as stated by Ms. Rathore is correct. However, I am in agreement with Mr. Singh that the official respondents can only provide that which is available on ground. Undoubtedly difficulties are being faced by the members of the petitioner association, however, if re-development has to take place, which appears necessary, some amount of difficulty would have to be borne by the members of the petitioner association.

4.2 I may, however, place on record the stand taken by the official respondents that once the flats are redeveloped, the first option for occupation would be given to the members of the petitioner association and

all those who are, presently, resident in the subject flats.

4.3. This statement is already made in the affidavit. Mr. Singh, reiterates this stand taken on behalf of the official respondents. Learned counsel says that the official respondents will stand by the said statement.

5. Furthermore, the official respondents while allotting the alternate accommodation, will also take into account the circumstances of the members of the petitioner association and relocate them to the nearest possible alternate accommodation and that they will be given first preference notwithstanding the cancellation of allotment of subject flats. In this behalf, personal difficulties faced by the members with regard to the location of schools of their children, workplace of their spouse and ill-health of family members, etcetera will be the factors, which will be taken into account.

6. Needless to say, that upon allotment of alternate accommodation, unless a grave and insurmountable situation obtains, the allottees will vacate the accommodation within three weeks of receipt of such intimation.

7.1 The official respondents will also ensure that the alternate accommodations so provided is a habitable condition.

7.1 Furthermore, the members of the petitioner association/allottees will exercise their option within the next four weeks, in case the option is not already exercised.

8. It is hoped and expected that the members of the petitioner association will cooperate in completion of the exercise of relocation contemplated by the official respondents.

9. At this stage, counsel for the parties say that the interlocutory application as well as the writ petition be disposed of based on the aforesaid directions.

9.1. It is ordered accordingly.

10. *Dasti.*

RAJIV SHAKDHER, J

MAY 28, 2018/pmc