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

+ W.P.(C) 5625/2018 & CM No. 21943/2018

NITIN DABRAL Petitioner
Through: Ms Zubeda Begum and Ms Sana
Ansari, Advocates alongwith
petitioner in person.

versus

UNION OF INDIA Respondent
Through: Mr Sandeep Mahapatra, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.09.2018**

1. The petitioner has filed the present petition, *inter alia*, praying that respondent be directed to allot a quarter in any government colony nearest to Netaji Nagar, Laxmi Bai Nagar or Sector –IV, R. K. Puram. This Court is not persuaded to accept that any such direction can be given to the respondent. The respondent is required to follow the policy as framed for allotment of accommodation.
2. The petitioner states that he has grandmother (aged 91) and mother (aged 61) who are dependent on him and there is no other male member in the family.
3. The petitioner was allotted a flat (flat bearing no.C-344, Albert Square), which was on the third floor of the building. Given the age of the petitioner's mother and grandmother, they were not in a position to climb

three floors and, therefore, it was not possible for the petitioner to have accepted that flat. Given the petitioner's mitigating circumstances this is understandable. However, the petitioner was prior to being allotted a flat at Albert Square, was allotted a flat in Gole Market area (flat bearing no.20/A, Sector-4, DIZ area, New Delhi). The petitioner had refused to accept the said flat as according to him the flat had termites. Ms Begum, the learned counsel appearing for the petitioner states that the said flat also had seepage.

4. Insofar as the shortcomings in the flats are concerned, it would be responsibility of the concerned agency to ensure that the flats are made inhabitable. The petitioner on his part cannot insist on being allotted a flat in any particular area.

5. In the aforesaid circumstances, the present petition is disposed of by directing the respondent to consider whether the flat earlier allotted to the petitioner can be made available or consider allotment of any other flat on the ground floor in any area.

6. In the event, the petitioner finds that the flat allotted to him is inconvenient, it is always open for the petitioner to secure his own accommodation and avail the house rent allowance.

7. No further orders are required to be passed in this petition.

8. The same is disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 17, 2018
MK