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

+ **W.P.(C) 8526/2018**

DR. SUKHDEV GAMBHIR

..... Petitioner

Through Mr Madhu Mukul Tripathi and
Mr Arvind Kumar, Advocates with petitioner in
person.

versus

GOVT. N.C.T. OF DELHI

..... Respondent

Through Mr Kushagra Pandey, Advocate Panel
Counsel (Civil) GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **23.08.2018**

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

“I. Issue orders directions or writs including a writ in the nature of mandamus directing the Respondents to stop the repair/renovation work in double-storeyed Type V flats located on Probyn Road, near Timapur, Delhi.

II. Issue orders directions or writs including a writ in the nature of mandamus directing the Respondents to reconstruct the said flats as categorically advised by Department of Civil Engineering, Indian Institute of technology Roorkee (IITR), Roorkee.”

2. The petitioner’s grievance relates to the renovation work being carried out in Double-Storeyed Flats located on Probyn Road, near Timarpur, Delhi.

The petitioner submits that the said flats had been declared dangerous and unfit for occupation; therefore, they are either required to be extensively repaired after evacuating all the occupants or reconstructed after being demolished. The petitioner has also relied on the report submitted by Mr Bhupinder Singh, Assistant Professor, Department of Civil Engineering, Indian Institute of Technology, Roorkee in August, 2012 whereby, it was recommended as under:-

“Considering the observed levels of distress in the building stock under reference and keeping in mind the causative factors and the fact that the buildings will have to be completely evacuated for an extended period of time should the extensive repairs and rehabilitation which is required be attempted, and the cost and effort involved in such an exercise, it is recommended that careful consideration may be given to the option of completely demolishing the buildings under reference and replacing them with a relatively high density housing complex designed and constructed to modern design codes”

3. It is stated that the respondent is carrying on repair work in some of the flats located on the first floor and the petitioner resides on the ground floor. The petitioner is mainly concerned for his and his family's safety. Indisputably, if the flats in question have been declared dangerous and unfit for occupation, the respondent would have to ensure that the flats are repaired, reconstructed or evacuated. In the present case, it appears that the respondent has opted to repair the concerned flats in question. The question as to which option is required to be taken lies squarely within the discretion of the respondent. However, the respondent would have to ensure that the safety of the other occupants is not compromised. In this regard, the

concerned Chief Engineer of the PWD would examine the averments made in the petition and take an informed decision.

4. Since, the question relates to the decision within the domain of the expertise of the concerned engineers, no interference by this Court is warranted.

5. The petition is, accordingly, disposed of.

VIBHU BAKHRU, J

AUGUST 23, 2018

pkv