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

+ **W.P.(C) 4485/2017 & CM 19594/2017**

YOGENDRA KUMAR SARASWAT & ORS Petitioners

Through Ms Zubeda Begum, Advocate with
Ms Sana Ansari, Ms Mrigna Shekhar, Advocates.

versus

UNION OF INDIA Respondent

Through Mr Bhagwan Swaroop Shukla, CGSC
with MrKamaldeep, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.09.2018**

1. This petition has been filed by seven petitioners. The petitioner no.7 has since expired. Petitioner nos. 2 to 6 have already accepted the flats allotted to them and their grievance does not survive.
2. It is stated that petitioner no.1 was also been provided the accommodation in accordance to his preference and, therefore, his grievance has also been addressed. However, Ms Begum, the learned counsel appearing for the petitioner no.1 submits that the accommodation provided to him is uninhabitable. This is disputed by the learned counsel appearing for the respondents. He has handed over a copy of the letter dated 09.07.2018 sent by the Assistant Engineer, Central Public Works Department (CPWD) stating that the petitioner no.1, Yogindra Kumar Saraswat, has been requested several times to take physical possession of the

flat No. 1, North-West Moti Bagh, however, he has failed to do so.

3. In view of the above, the present petition is disposed of by directing CPWD to ensure that the flat allotted to the petitioner no.1 is habitable. The concerned Assistant Engineer shall examine the same and if the same is found to be not habitable, CPWD shall ensure that the necessary steps are carried out for making the said flat habitable. Petitioner no.1 is also at liberty to approach the concerned Assistant Engineer.

4. It is clarified that the petitioner no.1 would vacate the existing premises within a period of two weeks of the Assistant Engineer declaring the said flat as habitable.

5. The pending application is also disposed of.

6. Order *dasti* under the signatures of the court master.

VIBHU BAKHRU, J

SEPTEMBER 10, 2018

pkv