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

Date of decision: 10th December, 2019

+ **W.P.(C) 13009/2019**

AVADH KAUSHIK Petitioner
Through Petitioner in person

versus

**GOVERNMENT OF NCT OF
DELHI AND ORS.**

..... Respondents
Through Mr. Satyakam, ASC for GNCTD
Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Advs. for respondent no. 5
Mr. Kirtiman Singh, CGSC with Ms.
Neha Garg and Ms. Taha Yasin, Advs.
for UOI

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR**

ORDER
% **10.12.2019**

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM Appl. No. 53014/2019 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 13009/2019

1. This Public Interest Litigation (PIL) has been preferred with the following prayers:

“(a) a writ of Certiorari calling for the record and factual status report of the case for perusal; and thereafter, issue necessary directions, as required and deemed fit by this Hon'ble

Court, under the facts and circumstances of the matter, in order to prevent such fire incidents, as narrated in the present writ petition, in future in the National Territory of the Delhi;

(b) a writ of Certiorari or Mandamus and/or any other writ, order or directions thereby directing for a judicial enquiry of the fire incident dated 08.12.2019 took place at Anaj Mandi, Filmistan, Rani Jhansi Road, New Delhi to be conducted by a learned Retired Judge of this Hon'ble Court in order to find out the actual reasons of the fire and casualties committed therein and to fix the responsibilities of the delinquent officers of the civic and police authorities and thereafter, to submit his/her report along with suggestions, if any, before this Hon'ble Court, for perusal and necessary directions; if required;

(c) a writ of Mandamus thereby directing for transfer of the criminal investigation of the fire incident case, as has reportedly been registered by the local police, to the CBI or to any other independent agency for a fair and independent enquiry in a time bound manner in order to book and bring the real culprits to justice;

(d) a writ of Mandamus thereby directing the respondents to pay a sufficient, adequate and real compensation amount to the victims/their families and recover the same from the personal pockets of the erring officers of the respondents/ concerned departments;

(e) a writ of Mandamus or any other order directing for constituting a Committee of Experts for conducting requisite surveys in the National Capital of Delhi and identify such

buildings/spots where incidents like in hand are possible to occur and to give suggestions for framing a mechanism and guidelines in order to avoid such incidents in future;
(f) any other writ, order or direction which may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice.”

2. Having heard the learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that by way of this Public Interest Litigation, the petitioner wants to bring to notice the unexpected fire incident that took place on the morning of 8th December, 2019. It appears that since the city of Delhi is densely populated, similar incidents like the one in question in the current petition here and there, can always happen owing to rapid urbanization.
3. Moreover, this writ petition has been preferred by the petitioner immediately after the occurrence of the incident and without giving any time to the respondents to deal with the situation. The respondents are having adequate officers, equipments and departments that must be taking requisite action for stoppage and re-occurrence of incident in question.
4. No writ petition ought to be preferred immediately in a day or two for such type of incident merely on the basis of newspaper reports. Sufficient time ought to be given to the concerned respondent authorities to take necessary actions. Petitioner ought to properly evaluate the action taken by the concerned departments before filing such types of petitions
5. Since there has only been a passage of one or two days and the respondents are already working upon the incident, we see no reason to entertain this writ petition.

6. In case there is an inaction on the part of the concerned respondent authorities, regarding the incident in question, after a reasonable period, the Court can look into the matter. It is submitted by the learned counsel appearing for respondent nos. 1 to 4 that they have already convened a meeting and they are deliberating upon the non-repetition of such type of fire incidents. There are already in existence policy decisions and administrative instructions and they are scrupulously following the same.

7. We see no reason to entertain this writ petition at this stage. Hence, this writ petition is hereby dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 10, 2019

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