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

Date of decision: 13th November, 2019

+ W.P.(C) 7338/2018 and CM No. 29303/2018

DR. SUBHASH VIJAYRAN Petitioner
Through: Petitioner in person

versus

DELHI DEVELOPMENT AUTHORITY THROUG ITS VICE-
CHAIRMAN Respondent
Through: Mr. Pawan Mathur, Adv. for DDA
Mr. Shantwanu Singh, Adv. for
RWA

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

ORDER
13.11.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 7338/2018

1. This so called Public Interest Litigation has been preferred with the following prayers :

“A. Direct the respondent DDA to take necessary steps ensuring electricity connection, drinking water supply and toilet facilities at the guard rooms of Pocket-1, 3 & 4 of Sector-34, Rohini, P.O. Bawana, Delhi-110039.

B. Pass any other or further order or orders as this Hon'ble Court may deem fit and proper in the facts and

circumstances of the case in the interest of justice and to meet the ends of justice.”

2. Having heard petitioner in person and counsel for the respondents and looking to the facts and circumstances of the case, it appears that facilities like electricity, water, toilet etc are not available at the guard rooms of the residential colony of this petitioner, and this petitioner wants all these facilities to be provided in the guard rooms of his colony.

3. In fact, the Residents Welfare Association should have provided these facilities at the guard rooms instead of filing the present writ petition. The guards belong to the Residents Welfare Association. If the residents of the aforesaid colony which is referred to in this writ petition are unable to provide electricity, water, toilet facilities to their own guards whom they have engaged, then they should not have engaged those guards. Nonetheless, looking to paragraph nos. 11 and 12 of the counter affidavit dated 23rd April, 2019 filed by the Respondent No.1, Respondent No.1 has already provided 11 toilets for the guards. So far as supply of the electricity, water etc., the Residents Welfare Association of the colony should have provided these facilities to their own guards. Paragraph no. 11 of the counter affidavits reads thus :

“11. I say that, however, keeping in view the order dated 18.07.2018 wherein this Hon'ble Court had directed the DDA to examine the grievance of the petitioner as pointed in the writ petition regarding non-availability of facilities of electricity, water as well as toilets in the guard rooms which have been constructed by M/s B.G. Shirke, Construction company on a turnkey project, the DDA had already provided all the electric fittings and

fixtures in the Guard Rooms. I further say that the DDA has after the filing of the present writ petition, again provided the same. I say that the DDA has again provided Light - 28W, T-5 Lamp and Ceiling Fans in all the Guard Rooms in July 2015. I say that henceforth it shall be the responsibility of the Resident Welfare Association to maintain the same and bear all the daily wear and tear and replacement thereof.”

4. In view of the above, there is no legal obligation on the part of the respondent(DDA) to provide electricity or water to the guards engaged by Residents Welfare Association of the colony. Hence, there is no substance in this writ petition and the same is therefore dismissed without any order as to costs.

CM No. 29303/2018 (directions)

5. In view of the dismissal of the writ petition, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 13, 2019/kr