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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2852/2020

AVADH KAUSHIK

..... Petitioner

Through: Petitioner in person.

versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondents

Through: Mr.Shadan Farasat, ASC for GNCTD
with Mr.Bharat Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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11.08.2020

1. This hearing has been held by video conferencing.
2. This petition has been filed by the petitioner praying *inter-alia* for the following reliefs:

“(ii) A Writ of Mandamus or any other writ, order or direction thereby directing the Government of NCT of Delhi and PWD/respondent No. 1 to 3 herein to forthwith resume and re-start the construction work of the slip road on the Outer Ring Road in front of Majnu ka Tila Gurudwara, as proposed in letter dated 23.05.2019 (ANNEXURE-P-1) written by the DCP (Traffic)/respondent No. 4 to the Executive Engineer (Civil), PWD/respondent No. 3 herein and to complete the same within a period of three months from the date of its commencement and thereafter, to open the same for the public use;

(iii) A Writ of Mandamus or any other writ, order or direction thereby directing the Delhi Police/respondent

No. 5 herein to take all requisite steps and actions against the wrong doers whosoever illegally stopped the construction work of the proposed slip road, as indicated above, and to provide protection to the workers/officials involved in the above construction work.”

3. Separate Status Reports have been filed by the respondent nos.2 and 3 and by respondent nos.4 and 5.

4. In the Status Report filed on behalf of the respondent nos.2 and 3, it is contended that on a proposal of the respondent no.4 for construction of a slip road on the Outer Ring Road near Majnu-ka-Tila (T-Point), the work was awarded to M/s Nirmit Construction Co. vide letters dated 22.07.2019 and 25.07.2019. The work, however, was stopped due to certain objections taken by the members of the Gurudwara Management Committee, Majnu-ka-Tila. Pursuant thereto, letters were written to the SHO, Civil Lines, requesting for registration of a complaint against the members of the Committee and for taking suitable action, however, as no action was taken, the contractor sought foreclosure of the Contract. The said request was accepted by the Competent Authority as the construction could not be carried out. The Status Report filed by the respondent nos. 2 and 3 further states as under:

“9. The work can be restarted (by fresh tender process), provided that adequate police protection is provided for the work.”

5. In the Status Report filed by the respondent nos.4 and 5, it is stated as under:

“5. However, if PWD requests for police force for

protection of construction workers and equipment at the site, such force shall be promptly made available.”

6. In view of the above and as the foreclosure of the Contract was done by the respondent nos.2 and 3 only on the ground of lack of police protection, the respondent nos.2 and 3 are directed to take immediate steps for the restart of the project and the respondent nos.4 and 5 are directed to provide police protection, as and when requested by the respondent nos.2 and 3 in this regard.

7. The petition is disposed of with the above directions. There shall be no order as to costs.

NAVIN CHAWLA, J

AUGUST 11, 2020/Arya