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

+ W.P.(C) 16402/2024 & CM APPL. 69107-69109/2024

DR VANDANA & ORS.Petitioners

Through: Mr. Mayank Yadav, Mr. Shrey
Yadav and Mr. Ahsan Ul Haq,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH
ITS COMMISSIONER & ORS.Respondents

Through: Mr. Divyam Nandrajog ASC for
MCD.
Mr. G. Kumar Pathak, Mr. Hem
Kumar and Mr. Rakshit Rai,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.11.2024

1. Learned counsel for the parties state that the present case is identical to W.P.(C) 15092/2024, which was disposed of by order dated 28.10.2024. In fact, the case of the present petition was also noticed in Paragraph 8 of that order.

2. The order dated 28.10.2024 reads as follows:

“W.P.(C) 15092/2024 & CM APPLs. 63219/2024 & 63221/2024

1. The petitioners are members of the faculty of respondent No. 2- Janki Devi Memorial College [“College”], which is affiliated with respondent No. 3 – University of Delhi.

2. The petitioners have challenged orders dated 16.10.2024, issued by the Municipal Corporation of Delhi [“MCD”] under Section 349 of the Delhi Municipal Corporation Act, 1957, addressed to the Principal



of the College, directing vacation of the staff quarters occupied by them, on the ground that they are in a dilapidated condition.

3. There are three blocks of four flats each, for faculty housing in the College. The petitioners occupy four of the flats.

4. Ms. Shahrukh Alam, learned counsel for the petitioners, submits that the aforesaid vacation orders were issued by MCD at the request of the College itself, on the basis of incomplete structural audit reports, and were in fact intended to facilitate demolition of the existing quarters for teaching staff, and to do away with the facility of faculty housing altogether.

5. Mr. Sudhir Nandrajog, learned Senior Counsel for respondent No. 2 – College, states upon instructions that this apprehension is misconceived. In view of the condition of the staff quarters, the College is making an effort to invest resources in creation of new quarters. He states that such a process has already been completed in respect of housing for non-teaching staff. In case of the petitioners' quarters also, the College proposes to reconstruct the quarters and allocate them in accordance with the rules for allotment of staff quarters. He has been instructed that the proposed number of quarters to be constructed for teaching staff will, at the minimum, be equal to the number of quarters presently in existence, and that present occupants of quarters will be in the first priority for allocation of new quarters, subject only to allocation in favour of any disabled faculty members. Mr. Nandrajog states that the College estimates a period of 24 to 30 months for completion of the reconstruction.

6. In view of this submission, the relief sought by Ms. Alam is for grant of some time to vacate the premises, to enable the petitioners to make alternative arrangements.

7. Mr. Nandrajog submits that the College is in the process of getting the building plan sanctioned and seeking financial assistance from the Higher Education Funding Authority. He contemplates that the College will be in a position to commence the process of demolition and reconstruction work in approximately 6 to 7 months.

8. It may be mentioned that Mr. Mayank Yadav, learned counsel, states that he has also filed a writ petition under Diary No. 4860979/2024, for 5 similarly placed occupants of staff quarters, on similar grounds. The number of quarters occupied at present is ten, out of which nine occupants are thus represented before me. Mr. Nandrajog states upon instruction that the tenth occupant is, in any event, in the process of vacating the quarter. Mr. Yadav joins Ms. Alam's request for a resolution in the same terms.

9. Having regard to the above, and with the consent for learned



counsel for the parties, the writ petition is disposed of with the following directions:

A. The petitioners will vacate the quarters in their occupation on or before 31.03.2025. The petitioners are directed to file affidavits of undertaking in these terms, the Registry of this Court, within one week from today.

B. The respondent No. 2-College is bound down to the undertaking recorded in paragraph 5, with regard to allocation of replacement quarters in favour of the persons already in occupation of faculty housing.

C. The continued occupation of the petitioners in the premises will be at their own risk.

10. A copy of the order be given Dasti under the Signature of the Court Master.”

3. Learned counsel for the parties submit that the present petition may also be disposed of on the same terms.

4. With consent of learned counsel for the parties, the present writ petition is also disposed of in terms of paragraph 9 of the order dated 28.10.2024.

PRATEEK JALAN, J

NOVEMBER 27, 2024/MR/JM/