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

% ***Date of Decision: 21st January, 2025***

+ **W.P.(C) 726/2025 & CM APPL. 3567/2025 & CM APPL. 3568/2025**

SHLOK BHARDWAJPetitioner

Through: Petitioner-in-person

versus

DELHI DEVELOPMENT AUTHORITY (DDA)Respondent

Through: Ms. Chand Chopra and Mr. Piyush Jain, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 3567/2025 (exemption)

Exemption allowed, subject to all just exceptions.

W.P.(C) 726/2025 & CM APPL. 3568/2025

1. Petitioner appears in person.
2. He seeks issuance of appropriate writ to Delhi Development Authority (DDA) to reconstruct his entire flat in question which is in dilapidated condition and can cause loss of human life and property.
3. The flat in question is Flat No. 743, Sector-13, Pocket-2, Dwarka, New Delhi-78.
4. It is a top-floor flat.
5. According to petitioner, the above flat was initially allotted to his father and after his unfortunate death, it was, eventually, allotted in the name of his legal heirs i.e. his widow and his sons, including him.



6. According to petitioner, possession of the aforesaid flat was taken on 26.06.2009 but when the inspection was carried out by him of the aforesaid flat on 15.07.2009, he found the flat in a very bad shape. There were many defects and according to him, even the ceiling was found cracked which could have fallen down, any time.
7. Petitioner sent a communication to DDA on 08.09.2009 asking them to do the needful while also highlighting the aforesaid shortcomings in the aforesaid flat.
8. According to petitioner, however, nothing was done.
9. Obviously, there is no further communication from the side of the petitioner after 2009 till 2016.
10. Fact remains that in his subsequent communication also, he kept on intimating DDA that the flat was not livable/habitable. He also highlighted that the ceiling plaster had fallen down at many places and even iron rods (*saria*) had become rusted. There was seepage in the ceiling and he, therefore, again requested them to repair the flat so as to make it habitable.
11. There are number of communication even thereafter addressed to DDA including the Vice Chairman, DDA. According to petitioner, he had even sent communication to Hon'ble Lieutenant Governor, being Chairman of DDA but despite that his grievances were not redressed in any manner whatsoever.
12. During course of arguments, the petitioner apprised the Court that he was merely told that since possession had already been taken by him, it was his job to take care of the aforesaid flat and thereby DDA washed off their hands.
13. According to petitioner, DDA, itself, had come up with '*Roof*



Replacement Scheme in the year 2016 for the flats situated in area of Sector-13, Dwarka but the roof/ceiling of his flat was spared, for the reasons best known to DDA.

14. Undoubtedly, petitioner should have been quick and vigilant in coming to the Court but at the same time, it is perceptible that his grievance has not been addressed in the manner it should have been.

15. Along with the present petition, he has also placed on record photograph of the ceiling which depicts a *sorry state of affairs*.

16. As noted above, it is a HIG flat and for buying any such HIG flat, even a commoner has to pay through the roof. And what if the roof itself comes down like nine pins. Pun intended here. Fortunately, the allottees were not residing in the aforesaid flat otherwise the result could have been disastrous.

17. Learned counsel for respondent/DDA appears on advance notice and submits that she has yet to take any instructions.

18. After hearing arguments for some time, this Court is of the view that it will be in the fitness of the things, if the present writ petition is treated as a representation by DDA and is directed to be adjudicated appropriately in accordance with law in a time-bound manner.

19. Resultantly, the present writ petition is directed to be treated as a representation and Vice Chairman, DDA is requested to decide the same within a period of six weeks from today.

20. Petitioner is also given right of hearing and it is expected that requisite communication would be sent to him well-in-advance so that he can also highlight the various aspects related to the aforesaid condition of the flat during such hearing.

21. After such hearing, the Vice Chairman shall pass appropriate order.



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Needless to say, it would be a speaking and reasoned one.

22. Needless to emphasize, if petitioner is aggrieved by the outcome of his such representation, he would be at liberty to approach this Court again.

23. Petition stands disposed of in the aforesaid terms.

24. A copy of this order be given *dasti* to both the sides under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

JANUARY 21, 2025/dr