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

+ **W.P.(C) 2854/2023**

**VYAPARIK PUNARVAAS SANGHARSH
SAMITI**

..... Petitioner

Through: Mr. Gaurav Bharadwaj, Advocate.
(M:09871343205,)

versus

DELHI METRO RAIL CORPORATION & ORS. Respondents

Through: Mr. Arjun Natarajan and Ms. Kamana
Pradhan, Advocates for DMRC. (M:
6370646277)

Mr. Sanjay Katyal, SC with Mr. Nikal
Singh, Advocate for DDA

Mr. Yeeshu Jain, SC with Ms. Jyoti
Tyagi & Ms. Manisha, Advocates for
R-4. (M:9811394417)

Mr. Parvinder Chauhan, SC with Mr.
Sushil Dixit and Ms. Aakriti Garg,
Advocates. (M:9868102274)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 06.03.2023

1. This hearing has been done through hybrid mode.
2. The Petitioner- Vyaparik Punarvaas Sangharsh Samiti, claims to be an association of Project Affected Persons (*hereinafter 'PAP'*), who were affected by the Mass Rapid Transport System (MRTS) project undertaken by Respondent No. 1 – Delhi Metro Rail Corporation (DMRC). The case of the Petitioner is that DMRC has taken-over the units/plots of land allotted/owned by the members of the Petitioner association for the purposes of construction of viaduct between Trilokpuri Metro Station and Mayur Vihar Pocket-Pne Metro station, which forms part of Mukundpur - Shiv Vihar Metrorail Corridor (phase III of Metro Rail).



3. The Petitioner has filed the petition seeking a directions to be issued to the DMRC for allotting land to the members of the Petitioner association as per the Relocation and Rehabilitation policy of Government of NCT of Delhi. It is the claim of the Petitioner that the prayer of the Petitioner ought to be granted as given in Clause 6 of the Relocation & Rehabilitation Policy in Respect of Project Affected Persons of all Categories due to Implementation of Delhi MRTS Projects issued by the Land and Building Department, GNCTD. The said Clause 6 of the Policy is extracted as under:

“6. Wherever the land is available in the nearby vicinity, the project affected shopkeepers may form the Association and the land ay be allotted on 99 years lease to the Association for constructing the shops for its members only. As the end use of the land will be commercial, the prevalent market rate for the commercial use will be charged as notified by the Government of India, Ministry of Urban Development and Poverty Alleviation (Lands Division) from time to time. In addition, ground rent will be levied as per the government policy. The payment for land and ground rent will be made to the concerned local body owning the land and in case there is more than one local body/agency owning the land, the same will be shared proportionately on the basis of their ownership of the land. The shops will be constructed by the Association according to the sanctioned Building Plans by MCD/DDA, as the case may be. The allotment of constructed shops will be made by the concerned ADM/LAC on the pattern of the Lease Deed of DDA in the presence of office bearers of the Association. As far as possible, the allotment of alternate space for shops shall be pro- rata according to the floor area of the land acquired/given up by the shop-keepers for construction of MRTS-1. Any area made available in excess of the area acquired, shall revert to the land owning agency for the purpose of allotment to other project affected persons as deemed fit.”

4. For the sake of clarity, the Petitioner shall make the following compliances by the next date of hearing, for consideration of this matter:



- i. The list of the members and the addresses of the shops from which they claim to have been dispossessed and in which they claim rights, along with some documentary evidence to show that the shop existed.
 - ii. It is noticed that settlements have been entered into with shopkeepers and DMRC which are recorded in trial court orders. The settlement terms which are recorded in the proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 shall also be placed on record.
 - iii. A complete list of the persons who are stated to be members of the Petitioner association, for whom relief is being sought along with their respective contact details and IDs shall be placed on record. It shall also be clarified by way of an affidavit as to which of the Petitioners members have already availed of the settlements and which have not.
5. Issuance of notice is objected to on behalf of the DMRC.
 6. List on 20th April, 2023.

PRATHIBA M. SINGH, J

MARCH 6, 2023
dj/am