



\$~55 & 56

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

+ W.P.(C) 5121/2018, CM No. 19792/2018

T-HUTS OUTRAM LINE KALYAN SAMITI Petitioner

Through: Mr.Choudhary Ali Zia Kabir, Adv.
with Ms.Y. Asewla Pogen, Adv. and
Ms. Olivia Ai Bang, Adv.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS.

..... Respondents

Through: Ms.Shobhna Takiar, Adv. with
Mr.Udayan Khandelwal, Adv. for R1-
DDA
Mr.Parvinder Chauhan, Standing
Counsel for DUSIB-R3
Mr.Akhil Mittal, ASC for R2-NMCD
Mr.Rishikesh Kumar, ASC with
Mr.Prem Sagar Pal, Adv. for R4 and
R5
Mr.P.S.Singh, Sr. Panel Counsel with
Ms.Annu Singh, Mr.Rajpal Singh,
Adv. for R6-Union of India

AND

+ W.P.(C) 5125/2018, CM Nos. 19808-19809/2018

RAJBIR SINGH & ORS.

..... Petitioners

Through: Ms.Shumaila Altaf, Adv. with
Mr.Jatinder Pal Singh, Adv.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD & ORS.

..... Respondents

Through: Mr.Parvinder Chauhan, Adv. for
DUSIB-R1
Ms.Shobhna Takiar, Adv. with
Mr.Udayan Khandelwal, Adv. for R2
to R4



CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% 11.05.2018

These two petitions have been listed before this Court vide a supplementary list circulated in the post lunch session on a mentioning made before Hon'ble the Acting Chief Justice.

CM No. 19808/2018 (for exemption) in W.P. (C) 5125/2018

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 5121/2018, CM No. 19792/2018

W.P.(C) 5125/2018, CM No. 19809/2018

These two petitions have been filed for identical reliefs. The prayers sought in the W.P.(C) 5121/2018 are as under:

- “Prayed, therefore, that your Lordships may be pleased to:*
- a. stay the eviction of residence and their belongings at T-Huts, Outram Line, G.T.B. Nagar, Delhi-110009;*
 - b. direct respondent No.2 DUSIB to conduct a survey of the affected residents and rehabilitate them in accordance with the Delhi JJ slum Rehabilitation and Relocation Policy, 2015;*
 - c. direct the R3, Policy, to provide protection against any demolition to the residents until express order from the Court.*
 - d. direct R1 DDA to pay the petitioner an amount of Rs.80,000/- (Rupees Fifty Thousand Only) as the cost of mental agony and undertaking the legal proceedings by way of this petition.*



e. any other order deemed fit and proper in the circumstances of the present case.

Andy for this act of kindness petitioners shall every pray.”

The prayers sought in W.P.(C) 5125/2018 are as under:

“In the above mentioned facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be pleased to:

- A) For a writ of mandamus or any other appropriate writ, order or direction to the respondents to conduct a survey to determine the number of households and especially distinct households of the petitioners in Jhuggie Cluster near Gurdwara Singh Sabha, T-Huts Outram Lane, GTB Nagar, Delhi-9.*
- B) For a writ of prohibition or any other appropriate writ, order or direction to the respondents restraining them from demolishing any of the homes of the petitioners herein residing in Jhuggie Cluster near Gurdwara Singh Sabha, T-Huts Outram Lane, GTB Nagar, Delhi-9.*
- C) For an order directing the respondents to disclose the ownership of the land on which Jhuggie Cluster near Gurdwara Singh Sabha, T-Huts Outram Lane, GTB Nagar, Delhi-9 is situated, and to produce the entire file showing the making of orders by the authorities for the demolition of the slums;*
- D) Pass an order directing Respondents to cease any further evictions or harassment of residents that live in the abovementioned area until all appropriate rehabilitation has been provided.*
- E) Pass an order restricting the officers/employees/agents of respondent No.1 and 4 from giving false threat to the residents of the abovementioned slum cluster.*
- F) Pass any such directions or order which this Hon’ble Court deems fit and proper in the facts and circumstances of the above mentioned case.”*



It is the submission of the learned counsel for the petitioners that the respondent DDA is resorting to the demolition of the jhuggie cluster at T-Huts Outram Line Kalyan Samiti, GTB Nagar, Delhi-110009 in violation of the DUSIB Policy, 2015 inasmuch as the petitioners are entitled to rehabilitation. Alternatively, he would submit even assuming the DUSIB policy is not applicable as the land belongs to the DDA, the DDA must rehabilitate the petitioners herein who have been living in the T-Huts for the last many years.

On the other hand, learned counsel appearing for the DUSIB and the DDA would submit that the impugned action is in view of order passed by this Court in Cont. Case(c) No.466/2013 on the following terms:

“Today, learned counsel for petitioners states that unauthorised and illegal encroachment by J.J. Dwellers is still continuing. He states that even under the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, J.J. cluster and unauthorised construction upto 01st day of June, 2014 is only protected. Upon a perusal of the said Act, this Court finds that the submission advanced by the learned counsel for petitioners is in conformity with law. Consequently, DDA is directed to remove unauthorised and illegal construction after 01st day of June, 2014 in accordance with law. DDA is also directed to ensure that no further unauthorised and illegal construction is carried out hereafter. The local police is directed to render full assistance to the DDA. List the matter on 14th December, 2016.”



In other words, they also state, the demolition is only to remove unauthorised and illegal construction made after June 01, 2014. It is their submission any construction made before that cut-off date shall not be touched. It is also stated the impugned action is on the basis of a survey conducted.

Learned counsel for the DDA requests as the aforesaid contempt case is coming up for hearing on May 14, 2018, these Writ Petitions be listed on the same day. Ordered accordingly.

It is made clear the learned counsel for the DDA shall take instructions and bring to the Court, the result of the survey conducted by the DDA and apprise the Court whether the DDA has any rehabilitation policy, even for those persons, who have made construction post June 01, 2014.

Re-notify on May 14, 2018.

V. KAMESWAR RAO, J

MAY 11, 2018/aky