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

CM APPL. 47628/2018 in

+ W.P.(C) 5121/2018

T-HUTS OUTRAM LINE KALYAN SAMITI Petitioners

Through: Ms. Anupradha Singh and
Ms. Harini Raghupathy, Advs.

versus

DELHI DEVELOPMENT AUTHORITY
AND ORS.

..... Respondents

Through: Mr. Parvinder Chauhan,
Standing Counsel with Mr. Nitin Jain, Adv.
for DUSIB

Mr. Akhil Mittal, Adv. for NDMC

Mr. Arun Birbal and Mr. Sanjay Singh,
Advs. for DDA

Mr. P. S. Singh, Sr. Panel Counsel for R-4 to
6 with Mr. Rapal Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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15.11.2018

1. This application has been placed before me today, consequent to the listing thereof being allowed by this Court on the matter being mentioned this morning.

2. This application contains the following prayers :

“(a) Respondent No 1 to maintain status quo and seize all demolition till such orders of this Hon Court;

(b) DDA to place on record the rehabilitation policy of jhuggis constructed before 2014;

(c) Grant any other relief deemed fit and proper.”



3. Insofar as the immediacy of hearing of this application is concerned, it is obvious that it is only prayer (a) which would require immediate adjudication.

4. Ms. Anupradha Singh, learned counsel appearing for the petitioner, expresses her grievance that demolitions, in respect of *jhuggies* located at T-Huts Outram Line, are under way.

5. She has annexed, with the application, an order, dated 12th August, 2016, passed by this Court in ***CONT.CAS(C) 466/2013 (Progressive Square Residents Welfare Association Through Its General Secretary & Anr. v. Deepti Vilasa)*** which permitted the DDA to remove unauthorised and illegal constructions constructed after 1st June, 2014.

6. She also drawn my attention to the first order, passed in the present writ proceedings, on 11th May, 2018, which required the DDA to apprise this Court as to whether DDA has any rehabilitation policy for persons who have made constructions post 1st June, 2014.

7. It is obvious that in the face of the order dated 12th October, 2016 (*supra*) in ***CONT.CAS(C) 466/2013***, this Court cannot interdict the demolition of any structure which has come up after 1st June, 2014.

8. The plea of learned counsel of the petitioner is that, without ascertaining whether the *jhuggies*, which are being demolished, are actually *jhuggies* which were constructed before, or after, 1st June, 2014, demolition is being effected.

9. Mr. Birbal and Mr. Chauhan, learned counsel for the respondents, submit that, as this matter was mentioned and listed



today, they are not in possession of the requisite files and records, so as to answer the pleas of the petitioner.

10. At request, let this application be renotified for preliminary hearing on 16th November, 2018.

11. Mr. Birbal fairly states that till tomorrow, he would instruct the authorities not to effect demolitions at T-Huts Outram Line.

12. It is made clear that this interdiction from demolition would continue only till tomorrow when the matter is heard, and the question of whether demolition should be permitted to continue, or would not be continued, thereafter, would be decided tomorrow.

13. Learned counsel for the respondents also submits that this application is an abuse of the process of the law, as some of the persons affected in this case, who are members of the petitioner Samiti have earlier moved this Court in substantive writ petitions and failed to obtain any interim relief.

14. They request, therefore, that the records of **WP(C) 5125/2018** and **CONT.CAS(C) 466/2013**, be also called for the perusal of this Court.

15. Let the records of the said two proceedings i.e. **WP(C) 5125/2018** and **CONT.CAS(C) 466/2013**, be made available for perusal of this Court tomorrow when this matter is taken up for hearing.

C. HARI SHANKAR, J

NOVEMBER 15, 2018
bh/dsn