

\$~27

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

+ W.P.(C) 6969/2018, CM Nos.26397-98/2018

MAZDOOR AWAS AND KALYAN SAMITI ... Petitioner
Through Mr.Choudhary Ali Zia Kabir
and Ms.Anupradha Singh, Advs.

versus

NORTHERN RAILWAY AND ORS. ... Respondents
Through Mr.Om Prakash, Sr. Panel
Counsel with Sr.Div.-V, Delhi in person
for R-1
Mr.Gaurang Kanth, Adv. for R-2
Mr.Parvinder Chauhan and Mr.Nitin Jain,
Advs. for R-3/DUSIB
Mr.Satyakam, ASC-GNCTD with
SI Pankaj Kumar, PS Prahladpul in
person for R-4 & 5
Mr.Ripu Daman Bhardwaj, CGSC with
Mr.T.P.Singh, Adv. for R-6

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **06.07.2018**

CM No.26398/2018 (exemption)

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of accordingly.

W.P.(C) 6969/2018 & CM No.26397/2018 (for stay)

3. On the oral request of Mr.Choudhary Ali Zia Kabir, learned counsel for the petitioner, we direct impleadment of the Delhi

Development Authority (DDA) as respondent no. 7.

4. It also appears that the petitioner have erroneously impleaded the East Delhi Municipal Corporation (EDMC) as respondent no.2 whereas the area in question is located in South Delhi. We, therefore, direct substitution of EDMC by the South Delhi Municipal Corporation, Green Park, New Delhi as respondent no.2.

Let amended memo of parties be filed within two days.

5. Issue notice to show cause as to why rule *nisi* be not issued.

6. Mr.Om Prakash, Advocate accepts notice for respondent no.1. Mr.Gaurang Kanth, Advocate accepts notice for respondent no.2. Mr.Parvinder Chauhan, Advocate accepts notice for respondent no.3. Mr.Satyakam, ASC, accepts notice for respondent nos.4 & 5. Mr.Ripu Daman Bhardwaj, learned CGSC accepts notice for respondent no.6.

7. Subject to the petitioner taking steps within three days, issue notice to DDA through Standing Counsel representing in this Court.

8. Counter-affidavit be filed by the respondents within four weeks from today. Rejoinder thereto, if any, be filed before the next date of hearing.

9. Without prejudice to the rights and contentions of all parties, it is directed that the respondent no.1 and respondent no.3 shall forthwith conduct a joint survey as envisaged in the letter dated 26th June, 2018 sent by the Principal Director, Rehabilitation of Delhi Urban Shelter Improvement Board (DUSIB) to the

Divisional Railway Manager, Northern Railway.

10. It is noted that the Railways (respondent no.1 herein) is strongly disputing its liability to undertake any scheme of the rehabilitation. It is made clear that conducting of such survey shall not create any right or entitlement of any of the persons identified in the survey to rehabilitation.

11. We are informed by Mr. Om Prakash, Sr. Panel Counsel of the respondent no.1 that as per law a safety zone of 15 meters from the outermost railway track is stipulated to be the safety zone.

12. List on 30th August, 2018.

Order be given *dasti* under the signature of the Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 06, 2018/rk