

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

+ W.P.(C) 12325/2006

Date of decision: 15th July, 2009

MEGH SINGH Petitioner
Through Mr. Mobin Akhtar, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS. Respondents
Through Mr. Somdutt Kaushik & Ms. Payal
Srivastava, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ?
3. Whether the judgment should be reported in the Digest ?

O R D E R

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1. The petitioner, Mr. Megh Singh, claims compensation for death of his father Mr. Dayal Singh in 1984 riots. He had earlier filed W.P.(C) No. 13232/2004 , which was disposed of vide order dated 5th October, 2004 directing that the Screening Committee set up by the respondent authorities will examine the case and decide the claim within four weeks. The Screening Committee has passed order dated 9th December, 2004 rejecting his claim, recording following reasons:-

" The case was considered by Committee and observed that the case for giving of enhanced compensation is deficient in respect of following points:

- i) Initial compensation of Rs.20,000/- was not received by the claimant.
- ii) Name of the deceased is not figured in the Ahuja Committee Report.
- iii) Death could not be confirmed by D.C.P. (Riot Cell). Moreover the intimation of death given by the claimant on 28.11.84 at P.S. Mangolpuri could not be established.
- iv) Death Certificate was obtained on 26.12.84 and that was applied by one Shri Ram Singh who is not related to the applicant.

Sh. Megh Singh claimant appeared before the Committee and was heard. He could not give suitable/reasonable explanation about not receiving/applying for initial compensation given in 1984 and 1986 and not appeared before Ahuja Committee for inclusion of the name of the deceased in its report. The claimant also showed his inability about the place of death of the deceased and further informed the Committee that the deceased was his father and on the day of riots he had gone to Karol Bagh. But as per Police record no unclaimed body was found in the area of P.S. Karol Bagh.

The claimant at the time of riots was running a Coal Depot on the basis of License given by Food and Civil Supplies Deptt., Govt. of N.C.T. of Delhi and can not be assumed that he was not aware of the relief provided by Govt. to 1984 riot victims from 1984 onwards. The claimant approached this deptt. only in 1996 by way of the present claim. He did not

appeared(sic) before Jain Commission or Ahuja Committed (sic) to tender his witness for the death of his father in the 1984 riots.

Under the above stated circumstances the Committee is of the opinion that case of the claimant is not fit to be recommended. Hence the claim is rejected.”

2. The said reasons have been reiterated in the counter affidavit filed by the respondents. At the time of hearing of this matter, the respondents were directed to produce original records. I have examined the original records.

3. The averment/statement that late Mr. Dayal Singh’s name did not figure in the Ahuja Committee report is factually incorrect. The file notings show that the name of the deceased Dayal Singh is mentioned in Ahuja Committee’s report at serial No. 1445. This is clear from the note dated 3rd February, 2000 as well as subsequent notes, though earlier file notings indicate that the respondents were of the opinion that the name of the deceased was not mentioned in the Ahuja Committee report. It is apparent that the Screening Committee has proceeded on the basis of an incorrect assumption.

4. Regarding filing of FIR, the file notings indicate that the matter was examined in depth by sending a copy of hand written complaint dated 28th November, 1984 made by the petitioner to police station Mangolpuri for verification from the said police station. SHO, Police Station Mangolpuri did not deny or dispute the stamp of the said police station affixed on the

complaint dated 24th November, 1984. It was stated that the place of occurrence was within the area of Police Station Karol Bagh and, therefore, the query should be asked from the said police station. It was also stated that the daily register relating to the period 1984 was destroyed in 1999. In several notes it has been recorded that in almost all cases no specific FIR was lodged with police and only intimation of death of a person was given. The Screening Committee has incorrectly recorded that intimation of death made by the petitioner on 28th November, 1984 at Police Station Mangolpuri is an unestablished fact. The petitioner had made the said claim and even submitted photocopy of the complaint with the stamp of the police station Mangolpuri. The SHO of the Police Station Mangolpuri could not deny the said stamp but their records had been weeded out and he could not furnish further details.

5. The petitioner had also produced death certificate of Mr. Dayal Singh. The said death certificate was issued by MCD office, Narela on 26th December, 1984. Letter dated 2nd November, 1999 was addressed to the Registrar, Births and Deaths, MCD Narela zone by the SDM to verify the said certificate. In his hand written note dated 30th November, 1999, the Registrar has confirmed that the said death certificate is genuine. It is stated that information was given by one Mr. Ram Singh that Mr. Dayal Singh, who was permanent resident of village Bhorgarh had expired and "his death has taken place in the said village". The petitioner in the writ

petition has explained that Mr. Ram Singh has expired and was a co-worker, who used to work along with his father Mr. Dayal Singh . It is stated that there is no discrepancy, therefore, between the stand of the petitioner that Mr. Dayal Singh had gone to Karol Bagh for work and did not return and the hand written note of the Registrar. It is further stated that the aforesaid facts were brought to the notice of the Screening Committee but have been ignored and not mentioned.

6. The petitioner, who is present in person, is illiterate. It is possible that he may not be fully aware and conscious of his rights and entitlement to compensation. This to some extent explains the delay on his part in approaching the respondents. The case requires sympathetic consideration keeping in mind the human angle but at the same time caution and care has to be taken that the claim is genuine. I have pointed out two factual inaccuracies in the reasoning given by the Screening Committee in their report dated 9th December, 2004. With regard to hand written note of the Registrar, the matter requires further investigation and verification. In these circumstances, the matter is remanded back to the Screening Committee to re-consider and re-examine the case of the petitioner. If required, the Screening Committee will be re-constituted of different members. The Secretary (Revenue)/ Divisional Commissioner will re-constitute a committee and an appropriate decision will be taken within a period of four months from today. The petitioner will be given personal

hearing. If required, he may appear along with an authorized representative.

The writ petition is accordingly disposed of.

DASTI.

SANJIV KHANNA, J.

JULY 15, 2009
VKR