

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **WRIT PETITION (CIVIL) NO. 9101 OF 2009**

RAJNI SINGH & ANOTHER Petitioner no.1 in person.

VERSUS

UNION OF INDIA AND OTHERS Respondents
Through Mr.A.S.Chandhiok, Addl. Solicitor
General with Mr.Jatan Singh, advocate for UOI.
Mr.Mukesh Gupta, Mr.Sumit Gupta, advocates
for MCD.
Mr. Vikas Pahwa, advocate for C.B.I.
Mr.Ajay Verma, advocate for DDA.

CORAM:
HON'BLE THE CHIEF JUSTICE
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 ?

ORDER

% 12th January, 2011.

Petitioner no.1 is an advocate and petitioner nos. 2 and 3 it is stated are washermen (Dhobis) who along with others were using and residing in hutments near the dhobi ghat No. 28, Rouse Avenue. Along with the petition, a list of 47 dhobis has been filed and it is alleged that their hutments have been demolished but no alternative site has been allotted to them. Ministry of Urban Development, L&DO, Government of India, (L&DO, for short) is

the land owning agency of the land which was earlier in occupation of the dhobis. It was stated that the said dhobis have set up temporary hutments on the left side of Deen Dayal Upadhyay Sarvodaya Vidyalaya, New Delhi.

2. A joint survey of the area at Rouse Avenue occupied by dhobis was carried out by L&DO and DDA. As per the affidavit of L&DO a total number of 181 encroachers/dhobis were identified and out of these only 152 came forward for survey and submitted required documents. Out of these 152 encroachers, 122 had documents for the period before 31st December, 2004. Out of the balance 30, 25 persons did not have documents prior to 31st December, 2004, 3 were using land for religious purpose and 2 were using it for commercial purpose. These 152 Dhobis were in occupation of seven dhobi ghats. Out of the seven dhobi ghats, demolition action were taken in respect of two dhobi ghats and 45 hutments of the Dhobis were removed on 15th January, 2009.

3. DDA has placed on record the minutes dated 26th August, 2008 of a committee headed by Minister of Urban Development on the issue of relocation of dhobi ghats from Rouse Avenue to Dwarka. As per the said minutes, on the basis of a survey the families have to be relocated and given plots of 18 sq.mts or 12.5 sq.mts on the basis of cut off dates for determining eligibility i.e. 31st January, 1990 and 31st December, 1998 respectively. However,

in a subsequent meeting held on 23rd September, 2008 on the basis of the joint survey carried out by L&DO and DDA, it was decided that plots of 12.5 sq.mts. will be allotted to the eligible persons. It was also decided that DDA would construct a dhobi ghat and provide related facilities like water, etc.

4. As per the counter affidavit filed by DDA, occupants of 45 temporary hutments who were found eligible have to be relocated in terms of the lay out plan of Sector 16 B, Dwarka, Delhi. The said plan has been prepared and approved by the Screening Committee, DDA. 47 plots have been developed and demarcated by the Engineering Department, Dwarka Project, DDA.

5. It is however stated by DDA that only 14 original dwellers have come forward and have deposited the amount demanded on or before 3rd August, 2009 and the DDA is processing issue of possession letter to the said persons. As there was dispute as to why other eligible dhobis had not applied and taken benefit of alternative allotment, Division Bench had issued the following directions in the Order dated 25th October, 2010 :-

“ In this view of the matter, we direct as follows:-

- (i) Respondent No.1 shall furnish 44 forms which are required to be filled up by the persons who were occupying Dhobi Ghat No.28 within a period of three days from today to the petitioner No.1
- (ii) The petitioner No.1 shall ensure that these forms are filled up and copies of such

documents are available with the occupants, are enclosed therewith. The forms and documents shall be submitted by the petitioner No.1 with the office of Deputy LandDO-III within a period of two weeks thereafter.

- (iii) In case there is any doubt or query, the same shall be communicated in writing to Ms. Rajni Singh petitioner No.1 and an opportunity shall be afforded to Ms. Rajni Singh, representing the 44 occupants of Dhobi Ghat No.28, to remove/clarify on a date and time which shall be communicated to her in writing by the Deputy LandDO-III. Reasonable opportunity shall also be afforded to make good the deficiency, if any, in the form.
- (iv) A considered decision shall be taken in respect of each of the 44 occupants within a period of six weeks from today and informed to the concerned occupants through Ms. Rajni Singh forthwith.
- (v) In case any of the persons has been relocated, such information shall also be disclosed by petitioner No.1.
- (vi) In the meantime, respondent No.1 shall file the affidavit in terms of our earlier directions as noticed above within two weeks from today.”

6. In the subsequent Order dated 23rd November, 2010 it was observed that direction no. (ii) had not been complied with by the L&DO and parties were directed to comply with directions (iii), (iv) and (v).

7. The respondent will be bound by the aforesaid directions specially direction nos. (i) to (iv). Mere fact that the eligible dhobis has not earlier applied for or had not furnished relevant documents will not be a ground to disqualify and reject his application. Time limit fixed earlier should not be regarded as the

essence. Dhobis are illiterate and belonged to marginised section of society and flexible approach should be adopted. Sufficient time should be also given to the dhobis to make payment.

8. It is pointed out that most of the dhobis are occupying and have set up temporary hutments in adjacent area after the demolition/ removal of their hutments and dhobi ghats. DDA will carry out inspection of the area and inform the eligible occupants who have set up temporary encroachments/hutments. The aforesaid exercise however should be completed by the DDA and allotment letter should be issued on or before 28th February, 2011. Allottees will be asked to pay allotment money simultaneously with the allotment and handing over of possession of the plots. Atleast 30 days time will be given for payment.

9. DDA will also construct a dhobi ghat with necessary facilities including water supply at the new location and inform the allottees. The eligible dhobis will be removed from the existing location only after the dhobi ghat has been constructed at the new location and the dhobis will be given atleast six weeks time after allotment letters are issued and possession is handed over to construct their hutments on the plots.

10. In case any of the eligible dhobis do not vacate and handover the possession of the temporary hutments constructed by them even after the dhobi ghat has been constructed and six weeks time

after possession of the plot is handed over to them has lapsed, it will be open to the respondents to take action as per law and forcibly evict them. The aforesaid order will not be apply and enure to the benefit of ineligible occupants or those who not pay allotment money within the stipulated time.

Writ Petition is accordingly disposed of.

(SANJIV KHANNA)
JUDGE

CHIEF JUSTICE

JANUARY 12, 2011.
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