

\$~10

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

+ W.P.(C) 5115/2012

HOUSING AND LAND RIGHTS NETWORK Petitioner
Through: Ms. Jayashree Satpute, Adv.

versus

MUNICIPAL CORPORATION OF DELHI
AND ANR

..... Respondents
Through: Ms. Biji Rajesh, Adv. for Mr. Gaurang
Kanth, Adv. for MCD
Mr. Parvinder Chauhan, Adv. for R2

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
17.10.2012

%

1. This petition filed in public interest seeks a direction for a rehabilitation/in situ upgradation of the residents of Sewa Nagar whose hutments were demolished; direction for rehabilitation of the eight families whose hutments were demolished is also sought; the respondents are also sought to be restrained from dispossessing the said residents from the site occupied by them upon dislocation as aforesaid.

2. Notice of the petition was issued.

WP(C) 5115/2012

Page 1 of 3

3. MCD has filed a status report.

4. Today, the counsel for the MCD, with reference to the site plan filed as Annexure-B to the status report (at Pg.137 of the paper book), has stated that the persons for whose benefit the petition has been filed are in occupation of the portion shown red in the site plan and the MCD has no intent to dispossess them therefrom.

5. The counsel for the petitioner states that the petitioner is confining the relief in the present petition to the aforesaid protection against dispossession only. It is stated that while some of the persons for whose benefit the petition is filed, were parties to earlier petitions filed in this Court commonly known as *Sudama Singh Vs. Government of Delhi* and appeal whereagainst is pending in the Supreme Court and would be governed by the outcome thereof, the claims of others for relocation have not been determined as yet. Direction to the respondent No.2 Delhi Urban Shelter Improvement Board (DUSIB) for determination of eligibility for relocation is sought.

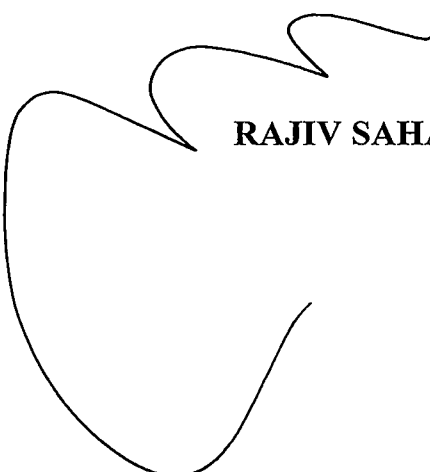
6. We direct the respondent No.2 DUSIB to, upon the said persons applying and submitting the requisite documents, determine their eligibility within six months of the submission of application with documents.

7. The counsel for the petitioner has also sought damages for the loss caused to the said persons. However, the respondent MCD in the status report has denied having caused any such loss. We are of the view that the said disputed question cannot be adjudicated in this petition.

8. We accordingly dispose of this petition binding the respondent MCD to the statement and directing the respondent No.2 DUSIB as aforesaid.

No costs.


CHIEF JUSTICE


RAJIV SAHAI ENDLAW, J

OCTOBER 17, 2012
pk