

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

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Date of Decision: 11.07.2013

+ W.P.(C) 3024/2013

ARVIND SHARMA

..... Petitioner

Through: Mr G.C. Shukla, Adv.

versus

GOVT.OF NCT DELHI AND ORS

..... Respondents

Through: Mr Sanjeev Sabharwal and Mr Hem Kumar,
Advs for GNCTD

Mr Sukhdev Singh, Superintendent, SDM Office, Punjabi
Bagh

Mr Kamal Nijhawan, Adv for R-3-DDA

CORAM:

HON'BLE MR. JUSTICE V.K.JAIN

JUDGMENT

V.K.JAIN, J. (ORAL)

The case of the petitioner is that his father late Shri Kasturi Lal along with his family members migrated from Punjab to Delhi sometime in the year 1990, reported to the Residential Commissioner, Government of Punjab at Punjabi Bhawan, New Delhi on 26.03.1990 and submitted his ration card to the office in-charge of Deputy Commissioner, Delhi. This is also his case that late Shri Kasturi Lal along with his family members, including the petitioner started living in a camp meant for Punjab migrants at Peeragarhi. On 26.06.1991, he expired at Rohtash

Nagar, Shahdara where he had been brought by his daughter for treatment. The temporary camps meant for Punjab migrants are stated to have been demolished on 26.07.2001 and since then the petitioner claims to be residing at C-240, Peeragarhi Camp along with his family members.

2. Pursuant to certain directions, issued by Supreme Court in W.P. (C) No. 272-683/1990 (Om Prakash vs. Union of India) and W.P.(C) No. 855-1213/1990 (Tek Chand vs. Union of India), Delhi Development Authority came out with Housing Scheme for Rehabilitation of Punjab migrants. Pursuant to an order dated 27.07.2006 passed by this Court in W.P.(C) No. 13741/2004 filed by Punjab Migrants Welfare Association against Government of NCT of Delhi and DDA, giving one last opportunity for verification of those who claimed to be Punjab migrants eligible under the aforesaid scheme, but were not able to establish their eligibility, through SDM, Punjabi Bagh, the petitioner also staked his claim for an allotment under the said scheme. The claim of the petitioner was rejected by SDM, Punjabi Bagh, after considering the evidence produced by him in support of his claim of being eligible under the said scheme. During verification, the SDM found that the name of the petitioner did not figure in any of the approved relief lists of Punjab migrants eligible for re-allocation under the aforesaid scheme. The said lists were prepared by the Government, after physically verifying the state of the migrants in Peeragarhi and Jawala Puri camps. Holding that since the

petitioner was not staying in the relief camps at the time of preparation of the said relief lists, the SDM declared him not eligible for re-allocation.

3. Being aggrieved from the aforesaid order, the petitioner, after more than 5 ½ years from the date of rejection of his claim by SDM, Punjabi Bagh filed W.P.(C) No. 2192/2012. When the aforesaid writ petition came up for hearing on 17.04.2012, a number of infirmities, noted in the said order, were found and the petitioner was given two weeks to cure those deficiencies. He, however, failed to comply with the aforesaid order. Consequently, the writ petition was dismissed with liberty to the petitioner to file a petition in accordance with law after he had cured the deficiencies pointed out in the order dated 17.04.2012. Now, this fresh writ petition has been filed seeking the following directions:-

“a) issue Writ of Mandamus or any other appropriate writ/order/direction to the respondent No. 2 to recommend the case of the petitioner for allotment of an alternative residential accommodation/flat under the Housing Scheme for Rehabilitation of Punjab Migrants by quashing that impugned order dated 06.11.2006 passed by the respondent No. 2;

b) direct the respondent No. 2 to examine the case of the petitioner afresh by properly verifying the claim of the petitioner and decide his case by passing a speaking order;”

4. A perusal of Scheme notified by DDA for Rehabilitation of Punjab Migrants would show that the applicant was required to be a person from a family who had

migrated from Punjab and was staying in the designated seven refugee camps. It was further stipulated in the Scheme that the aforesaid stay in any of the designated seven refugee camp should be certified by the Deputy Commissioner of the concerned District in which the camp of the application is situated.

5. It would this be seen that the petitioner would be eligible for consideration of allotment under the aforesaid scheme only if the concerned Deputy Commissioner certifies that at the relevant time, the applicant belonged to a family who had migrated from Punjab and was staying in one of the seen designated refugee camps. Admittedly, no such certificate from the concerned Deputy Commissioner was produced by the petitioner before SDM, Punjabi Bagh nor has such a certificate been produced before this Court. Besides that the petitioner failed to established before SDM, Punjabi Bagh that either his name or the name of his father figured in any of the lists which was prepared after physical verification of Punjab migrants living in the aforesaid camps. Even before this Court, no material has been placed on record by the petitioner to satisfy the Court that either he or his father was residing in any of the aforesaid seven relief camps at the relevant time. Therefore, the claim of the petitioner was right rejected by the SDM, Punjabi Bagh and I find no ground to interfere with the order passed by him.

Since I do not find any merit in the petition, I am not going into the issue of delay and laches though the fact remains that he approached this Court for the first time more than 5 ½ years after rejection of his claim by SDM, Punjabi Bagh.

The writ petition is hereby dismissed.

No order as to costs.

V.K. JAIN, J

JULY 11, 2013

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