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

+ W.P.(C) 6705/2013 & CM Nos.14560/2013 & 7510/2015

DANI SINGH

..... Petitioner

Through: Mr T. Sudhakar and Mr Prashant
Bhushan, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr Arun Birbal and Mr Sanjay Singh,
Advocate for DDA.
Ms Jyoti Tyagi and Mr Yeeshu Jain,
Advocates for L&B.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.11.2017**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “A. Issue an appropriate writ directing the respondent/s to relocate/ rehabilitate the Petitioner;
- B. To award compensation for the loss caused to the Petitioner's goods during demolition and also for the closure of business since 24.09.2013;
- C. To award the cost of the proceedings in favour of Petitioner.”

2. The petitioner claims that he was a tenant of the premises admeasuring 125 sq. yards forming a part of Raj Coal Depot. He claims to have taken the said premises on lease from one Mr Vinod Gupta at a monthly rental of ₹4,000/-. It is also stated that Mr Vinod Gupta was also in

occupation of the Raj Coal Depot. The petitioner's assertion in this petition is somewhat in variance with his averments in an earlier suit filed by him, where the tenanted premises is described as adjoining Raj Coal Depot.

3. The learned counsel for the petitioner has drawn the attention of this Court to a Circular dated 25.10.2006, which encloses a copy of the respondents' policy/guidelines on relocation and rehabilitation Project Affected Persons. In terms of the said policy, persons doing business, whether as an owner of the land or tenant are eligible for being relocated.

4. The learned counsel for respondent no.2 states that in the present case Raj Coal Depot, which was located on a pocket of land required in connection with Mukundpur-Yamuna Vihar Corridor (Line-7) for construction of INA Station, was handed over by L&DO on a temporary basis by working permission dated 31.08.2012. It is further stated that Raj Coal Depot was relocated to another location at INA Market for a temporary period of four years and after completion of the work, Raj Coal Depot would be shifted to its original location. The learned counsel for the petitioner submits that notwithstanding, Raj Coal Depot has been relocated; the petitioner is also entitled for being relocated as per the policy.

5. This Court is not persuaded to accept the aforesaid contention. The petitioner had filed a suit before Senior Civil Judge, Delhi (Suit No.187/2004) asserting that the petitioner was in the possession of 125 sq. yards of land adjoining Raj Coal Depot and he claimed that he was a tenant in respect of the said property. The landlord has been provided an alternative accommodation and the remedy if any; available with the petitioner would lie with the said landlord. The respondents cannot be called upon to provide two premises for temporarily taking over one

premise. In the circumstances, the present petition is disposed of by permitting the petitioner to avail of such remedy as may be available in respect of the landlord.

6. Insofar as the petitioner's complaint for compensation is concerned, the petitioner would also be at liberty to institute appropriate proceedings against respondent no.2 for claiming the same.

7. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

NOVEMBER 02, 2017
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