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

W.P.(C) NO. 354/2013

SOMAN DAS AND ORS

..... Petitioners

Through: Mr. Hiren Dasan with Mr. Harish
Dasan & Mr. Chand Qureshi, Advs.

Versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Parvinder Chauhan, Adv. for DUSIB.
Mr. Sanjoy Ghose, Adv. for GNCTD.

AND

+ W.P.(C) NO. 1160/2014

LAXMI DAS & ORS

..... Petitioners

Through: Mr. Hiren Dasan with Mr. Harish
Dasan & Mr. Chand Qureshi, Advs.

Versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Parvinder Chauhan, Adv. for DUSIB.
Mr. Sanjoy Ghose, Adv. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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11.01.2016

1. The 50 petitioners in W.P.(C) No.354/2013 and the 21 petitioners in W.P.(C) No.1160/2014 seek a direction to the respondents Government of NCT of Delhi (GNCTD), its Slum & JJ Department and Rehabilitation Cell to immediately relocate / rehabilitate the petitioners who claim to have been dispossessed on 13th January, 2009 from the JJ Cluster at T-Huts, Khushak

Nala, D-Block, Kidwai Nagar (East), New Delhi, by allotting them alternative plots / flats as per the existing policies of the GNCTD.

2. Notice of the petition was issued and a counter affidavit has been filed by the Delhi Urban Shelter Improvement Board (DUSIB) being the successor of the Slum & JJ Department of the GNCTD *inter alia* stating that as admitted by the petitioners in the petitions themselves, prior to demolition / removal action, a survey was conducted and in which none of the inhabitants of the said cluster were found eligible under the policy of the GNCTD for relocation. It is contended by the counsel for DUSIB that the petitioners have not challenged the finding of the survey, not finding any of the inhabitants eligible and which findings have now attained finality.

3. Needless to State that without the petitioners having been found eligible for re-location and which eligibility has to be determined by DUSIB, the question of the relocation of the petitioners or a mandamus to the said effect being issued does not arise.

4. The counsel for the petitioners seeks adjournment to enable the petitioners to file a rejoinder.

5. The counsel for the DUSIB points out that the petitioners have taken repeated opportunity to file rejoinder.

6. It is indeed found that several dates have passed since the respondents DUSIB has filed counter affidavit as far back as in July, 2014 and the petitioners having not filed the rejoinder for the last one and a half years; no ground for granting any opportunity to file rejoinder now is made out. The

counsel for the petitioners upon being asked to address arguments states that he is the proxy counsel and seeks adjournment.

7. Again, there is no ground for the counsel for the petitioners not to appear and to seek adjournment when urgent relief in the nature of relocation / rehabilitation of the petitioners is sought.

8. The counsel for the respondent DUSIB in this regard has also pointed out the plea in the counter affidavit that the petitions are filed after more than four / five years of dispossession and has contended that the same is also indicative of the petitioners being in no need of any rehabilitation and having already settled down elsewhere, even if were the residents of the cluster which was removed / demolished as aforesaid.

9. I have perused the averments in the petitions and the counter affidavit and indeed find the petitioners to have admitted that a survey was conducted to determine the eligibility of the inhabitants of the said locality / cluster and that they were not found eligible.

10. There is no challenge in these petitions also to the findings on the said survey and which finding indeed is a factual one.

11. The petitions are thus misconceived and are dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

JANUARY 11, 2016

‘gsr’