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

+ W.P.(C) 1811/2016

DELHI ANUSUCHIT JATI VIKAS SANGTHAN Petitioner

Through: Mr.Vikas B.Pakhiddey, Adv.
Versus

GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF DELHI & ANR

..... Respondents

Through: Mr.Rahul Mehra, Sr.Standing
Counsel with Mr.Sanjay Ghose, ASC for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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02.03.2016

G.ROHINI, CHIEF JUSTICE (ORAL)

1. This public interest petition has been filed with a prayer to direct the respondents to construct and hand over the management of the Choupals/community centres constructed in the National Capital Territory of Delhi as per the Scheme of "Improvement of S.C. Basties" under the Citizen Charter by signing MOU between the Department for the Welfare of SC/ST/OBC/Minorities and selected Association/RWA/Society/Registered Body/Institution.

2. We have heard the learned counsel for both the parties.

3. As could be seen from the material available on record, the Govt. of NCT of Delhi made a Scheme for "Improvement of SC-ST Basties" with an object of improving the living conditions in Basties predominantly

habituated by Scheduled Caste people by carrying out civil works such as repair of Choupals, constructions of common bathrooms and community latrines, repairs of drains and pavements, construction of roads and etc. The said works are to be taken up on the request of MLAs, residents or their association in such basties that are certified as SC/ST Basties by the Department for the Welfare of SC/ST/OBC/Minorities on the basis of the 2001 Census and local inquiry by the field staff. After completion of the work, the Department will hand over the assets to the identified association/Residents Welfare Association (RWA)/Society/Registered Body/Institution for day to day maintenance and a Memorandum of Understanding (MOU) has to be signed between the Department for the Welfare of SC/ST and Residents Association/Local Committees to that effect.

4. The petitioner had earlier filed W.P.(C) No.6820/2013 seeking a mandamus to direct the respondents/GNCTD to hand over the management of the Choupals constructed or to be constructed in the National Capital Territory of Delhi as per the Scheme alleging that there was delay in signing of MOU with regard to maintenance and management of Choupals in accordance with the Scheme. The said writ petition was disposed of by this Court by order dated 30.10.2013 granting liberty to the petitioner to file a detailed representation with the statutory authorities within two weeks upon which the same be considered and disposed of by the statutory bodies within a period of 12 weeks

5. The petitioner states that such a representation was made on 05.12.2013 to the Department for the Welfare of SC/ST/OBC/Minorities of Govt. of NCT of Delhi/respondent No.2 and in turn the respondent No.2 by

letter dated 21.05.2014 requested the Department of Irrigation and Flood Control for taking the necessary steps for handing over possession of Choupals to the identified local associations. It is alleged that though the petitioner has also pursued the issues with all the concerned officials, the handing over of Choupals has not been effected so far and on the other hand it is learnt by the petitioner that a decision has been taken by the respondents to hand over the management of Choupals to persons/organisation not allotted under the Scheme. Hence this writ petition with the above prayer.

6. Sh.Rahul Mehra, the learned Senior Standing Counsel for GNCTD who appeared on advance notice has, at the outset, brought to our notice that in supersession of the earlier order dated 25.06.2010, a Committee is constituted by the Department for the Welfare of SC/ST/OBC/Minorities, Govt. of NCT of Delhi vide Office Memorandum dated 05.11.2015 for handing over and management of Choupals constructed under the Scheme and new guidelines have been formulated for functioning of the said Committee and also for selection of RWA/NGO to whom the Choupals can be handed over for maintenance. The learned Sr. Standing Counsel on instructions further states the all necessary measures are being taken strictly in accordance with the new guidelines so as to ensure proper identification of the association for management of Choupals in terms of the Scheme.

7. Having perused the Office Memorandum dated 05.11.2015 and having taken note of what has been stated by the learned counsel for the respondents, it appears to us that the issues sought to be raised by the petitioner have already been addressed by the respondents. Accordingly, we dispose of the writ petition with a direction to the respondents to take all necessary steps for implementation of the Scheme in question in letter and

spirit.

8. Writ petition is accordingly disposed of.

CHIEF JUSTICE

JAYANT NATH, J

MARCH 02, 2016
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