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

+ W.P.(C) 7508/2011

RAJIV CAMP SAIDABAD

..... Petitioner

Through: Mr. Ajay G. Majithia, Adv.

Versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Peeyoosh Kalra, Mr. Sudhindra Tripathi and Mr. Manjunatha H.T.,
Adv. for GNCTD.

Mr. Nishant Prateek, Adv. for Mr. Parvinder Chauhan, Adv. for R-2&3.

Ms. Kanika Agnihotri, Adv. for DDA.

Ms. Mini Pushkarna, Adv. for SDMC.

Mr. Puneet Garg and Mr. Sanjay Kumar, Law Officer of DMRC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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06.01.2016

1. The petitioner (constitution of which is not pleaded) claiming to represent residents of 474 *Jhuggis* at Rajiv Camp, Saidabad, Main Mathura Road, near Sarita Vihar, New Delhi where removal action was taken on 23rd May, 2009 has filed this petition seeking mandamus to Govt. of NCT of Delhi (GNCTD), Delhi Urban Shelter Improvement Board (DUSIB), Municipal Corporation of Delhi (MCD) and Delhi Development Authority (DDA) to relocate the said 474 families in terms of the relocation policy of GNCTD and in terms of the orders dated 16th July, 2010 and 3rd February, 2011 of the GNCTD.

2. The petition was entertained and pleadings have been completed. The counsels for the parties have been heard.
3. The petitioner itself has as Annexure P-7 to the petition filed copy of the decision dated 5th July, 2009 on the eligibility for relocation under the extant policy of the persons whom the petitioner claims to represent, after examining the documents furnished by them and not finding any of the said persons eligible for relocation.
4. The basis of the relief claimed in the petition has thus been enquired.
5. The counsel for the petitioner draws attention to the file notings favourable to the said persons but made in the course of reaching the decision dated 5th July, 2009.
6. The said file notings in the course of decision making process however have no bearing as the decision ultimately is against the said persons. The views, if any expressed by any official during the course of the decision making process, even if favourable to the persons the petitioner seeks to represent, cannot be referred to or relied upon and it is the ultimate decision which alone has to be seen and which as aforesaid is to the effect that none of the persons for whose benefit the petition claims to have been filed were found eligible for relocation. Reliance, if any required in this regard can be placed on the judgment of the Supreme Court in ***Shanti Sports Club Vs. Union of India*** (2009) 15 SCC 705. The said decision has not been challenged.
7. As far as the orders dated 16th July, 2010 and 3rd February, 2011 supra of the GNCTD are concerned, the same change the cut off date for *W.P.(C) 7508/2011*

determining eligibility from that prescribed earlier of December, 1988 to 31st March, 2002 and 31st March, 2007 respectively.

8. DUSIB in its counter affidavit has pleaded that the said change of cut off date would not enure to the benefit of the persons whom the petitioner claims to represent as the same is prospective and not retrospective i.e. it is applicable only qua those against whom removal action is taken, after 16th July, 2010 and 3rd February, 2011 respectively. The persons for whose benefit the petition appears to have been filed were admittedly removed prior thereto and thus are not entitled to the benefit thereof.

9. The counsel for the petitioner neither in rejoinder has stated anything in this respect, nor made any challenge on this basis, nor has today argued to the said effect.

10. The petitioner has thus failed to make out any basis for the relief claimed in the petition and which thus cannot be granted.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J.

JANUARY 06, 2016

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