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

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Judgment delivered on: 22.12.2016

+ **W.P.(C) 12027/2016**

RAM BAHADUR & ORS.

..... Petitioners

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Advocates who appeared in this case:

For the Petitioners

Mr. Aditya Gaur and Mr Sunil Sagar

For the Respondents

Mr Sanjoy Ghose and Ms Pratishtha Vij,
Advocates for GNCTD.

Mr Apurb Lal and Ms Meenu Pandey,
Advocates for R-3.

Mr Parvinder Chauhan, Advocate for R-
2/DUSIB.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

22.12.2016

SANJEEV SACHDEVA, J. (ORAL)

CM No.47445/2016(delay in re-filing the writ petition)

For the reasons stated in the application, the application is
allowed.

The delay in re-filing the Writ Petition is condoned.

W.P.(C) 12027/2016 & CM No.47444/2016(interim relief)

1. The petitioners, by the present petition, seek a direction to the respondents not to dispossess the petitioners or demolish their residences situated at Noor Nagar-II, Jamia Nagar, Okhla, New Delhi-110025.

2. Learned counsel for the respondent/Delhi Urban Shelter Improvement Board (DUSIB) submits that DUSIB is conducting a survey to determine the persons eligible for the purposes of rehabilitation and certain documents have been collected, which are under examination. He submits that once the survey is completed and the list of eligible persons is finalized, the same would be displayed and time would be granted to persons found ineligible for filing objections. Once the objections are disposed of, only then the process of shifting and demolition shall take place.

3. Learned counsel for the respondent No.2 also submits that the survey is being conducted at the instance and request of the Jamia Millia Islamia University/respondent No.3. He further submits that

DUSIB would be shortly issuing a notice calling upon all individuals claiming relief of rehabilitation, who have not earlier submitted documents, to submit their documents and thereafter eligibility determination shall be carried out.

4. Learned counsel appearing for respondent No.3 submits that action for removal would be taken in accordance with the policies after the surveys is completed by DUSIB.

5. Learned counsel for the petitioners submits that the petitioners have not been permitted to submit any documents.

6. Since the stand of DUSIB is that they shall be issuing a notice calling upon all individuals claiming relief of rehabilitation, to submit their documents, the petitioners are permitted ten days time to furnish all the relevant documents with the respondent No.2 - DUSIB.

7. On receipt of the documents, the DUSIB shall carry out physical survey and scrutiny of the documents in accordance with the policy and determine the eligibility of the petitioners, in accordance with law. It is clarified that there shall be no obstruction to the

physical survey to be carried out by the DUSIB.

8. Since the respondents are stating that the eligibility determination, in terms of the policy of rehabilitation, is underway and prior to eligibility determination, action of shifting and demolition shall not be undertaken, it is directed that no action of physical eviction/dispossession of the petitioners, from their residences at Noor Nagar-II, Jamia Nagar, Okhla, New Delhi-110025 shall be undertaken till the process undertaken by the DUSIB is completed in terms of the policy of rehabilitation.

9. It is clarified that in case any of the petitioners are aggrieved by the eligibility determination, they would be entitled to take recourse to such remedies as are available in law.

10. The petition is disposed of.

11. *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 22, 2016/§n'