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

+ W.P.(C) 299/2017 & CM Nos. 1410/2017 & 15326/2017

MRS HAJARA BEGUM

..... Petitioner

Through: Mr Ashutosh Dixit, Advocate.

versus

GNCT OF DELHI AND ORS

..... Respondents

Through: Mr R. V. Sinha and Mr A. S. Sinha,
Advocates for R-2 with Mr Alok
Kumar, AR.

Ms Mini Pushkarna, Standing counsel
with Ms Anushruti and Ms
Vasundhara Nayyar, Advocates for R-
4/DUSIB.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.08.2017

1. The petitioner has filed the present petition, *inter alia*, impugning the letter dated 18.10.2016, issued by respondent no. 2 (hereafter 'DMRC') and a circular dated 25.10.2016 issued by the Land and Building Department, Government of NCT of Delhi. The impugned letter dated 18.10.2016 is an invitation for a meeting by DMRC to, *inter alia*, take a decision with regard to allocation of new houses, renting of houses and to find possibility of giving compensation to persons occupying dwelling units at Trilokpuri.

2. The factual background of the present petition is that the petitioner is a resident of house no.15/126, Trilokpuri, Delhi-110091. The petitioner's house is a part of a resettlement colony and the plot occupied by the

petitioner was allotted to petitioner's husband, Late Shri Shahazad Khan by Delhi Development Authority (DDA) under the Jhuggi Jhopri Removal Scheme 1976. The land now occupied by the petitioner and similarly placed persons at Trilokpuri is required by DMRC for construction of a metro line. It is in this context that DMRC had called for a meeting by its letter dated 18.10.2016 to discuss the resettlement of persons occupying the land in question at Trilokpuri.

3. The learned counsel for the petitioner states that the procedure adopted by DMRC is contrary to the provisions of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* (hereinafter 'the said Act'). It is the petitioner's case that DMRC is required to acquire the land at Trilokpuri under the said Act the land at Trilokpuri cannot be utilized by DMRC. He submits that the appropriate government would require to undertake the exercise for acquisition of the land in question. The learned counsel for the petitioner has also referred to Section 3(c) of the said Act and submitted that the petitioner would fall within the scope of the definition of an "*affected family*" under the said Act.

4. This Court is of the view that the fundamental premise on which the petitioner has based his contention, is flawed. Concededly, the petitioner was allotted the plot of land in terms of Jhuggi Jhopri removal scheme, 1976. Although, the petitioner's family was rehabilitated at the land in question (Trilokpuri), they did not acquire any title in the land and were mere licensees. The title of the land occupied by the petitioner and other similarly placed persons, vests with DDA, which stood transferred to Delhi

Urban Shelter Improvement Board (DUSIB). It is stated by DUSIB that the land in question has now been transferred to DMRC. In the circumstances, the question of acquiring the land in question under the said Act does not arise. The contention that DMRC was required to take recourse to the said Act is, therefore, fundamentally flawed.

5. The petitioner would of course be required to be rehabilitated, and for that purposes DMRC would have to take the necessary steps. The meeting convened by letter dated 18.10.2016 was, apparently, towards that end.

6. This Court also finds no illegality in the Circular dated 25.10.2006 and none has been pointed out by the petitioner.

7. The petition is, accordingly, dismissed.

AUGUST 23, 2017
MK

VIBHU BAKHRU, J