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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 5236/2014 and C.M. No. 48234/2016

SURESH KUMAR

..... Petitioner

versus

THE DELHI URBAN SHELTER & ANR.

..... Respondents

+ W.P.(C) 6373/2014

JAI PRAKASH

..... Petitioner

versus

THE DELHI URBAN SHELTER & ANR.

..... Respondents

+ W.P.(C) 6386/2014

POOJA

..... Petitioner

versus

THE DELHI URBAN SHELTER & ANR.

..... Respondents

Through:

Mr. Sanjeev Sagar, Ms. Mehak Tanwar & Mr. Vashishth, Advocates for the petitioners.

Mr. Parvinder Chauhan, Standing Counsel and Mr. Nitin Jain, Advocate for respondent No.1/ DUSIB.

Ms. Swaty Singh Malik, Ms. Muskan Gupta & Mr. Himanshu Lotwal, Advocates for respondent No.2.

Mr. Amresh Mathur & Mr. Sumit Rajput, Advocates for respondent/ GNCTD.

Mr. Chandra Prakash, Advocate along with Mr. Puneet Garg, Law Officer for the DMRC.

Ms. Ankita Patnaik, Advocate for applicant in C.M. No. 48234/2016.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JAYANT NATH

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Signing Date:16.10.2024 16:52:42
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

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ORDER
08.09.2017

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1. The relief sought in the present petitions by the petitioners is to seek a writ of mandamus directing the respondents, i.e. Delhi Urban Shelter Improvement Board (DUSIB) and Government of National Capital Territory of Delhi (GNCTD) to handover Plot Nos.A-183, A-213, and A-168, Camp No.2, J.J. Colony, Nangloi, Delhi – 110041 to the respective petitioner. This relief is premised on the communications dated 11.10.2012 issued by respondent No.1/ DUSIB purporting to restore the possession of the said unauthorised land admeasuring 20.46 square metres, 23.18 square metres and 16.22 square metres respectively on “As is where is basis” subject to the specific condition that the respective petitioner would not make further claim for allotment of land.

2. Learned counsel for the respondent No.1/ DUSIB submits that, in all, 45 persons were occupying the area in question. The entire encroachment had been cleared to enable the DMRC to carry out their project. The occupants – including the petitioners, were paid compensation for their super-structure on the land, which was demolished. However, the land of only 30 such encroachers was actually consumed in the work carried out by the DMRC and they have been made alternate allotments. Since the land on which the 15 others – including the petitioners were encroaching, was not eventually consumed in the carrying out of the work by the DMRC, the same was returned by the DMRC to the DUSIB, and the DUSIB had sought to restore its possession to the occupants like the petitioners vide the said letters dated 11.10.2012. The said 15 persons, including the petitioners

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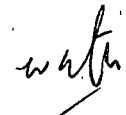
were, however, not made alternate allotments.

3. The encroachment on the land in question having been cleared once for the purpose of execution of its work by the Delhi Metro Rail Corporation (DMRC), in our view, should not be permitted to be re-encroached. The respondents are, therefore, directed to fence and protect the area – which is stated to be lying open.

4. In view of the aforesaid, we direct the DUSIB to similarly rehabilitate the petitioners, in the same manner as the 30 others were rehabilitated. The respondents shall make the necessary allotments within six months from today.

5. The petitions stand disposed of in the aforesaid terms.


VIPIN SANGHI, J


JAYANT NATH, J

SEPTEMBER 08, 2017

B.S. Rohella