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

+ **W.P.(C) 6613/2018 & CM 25238/2018**

RAJEEV NEELU KACHWAHA CHARITABLE
TRUST

..... Petitioner

Through Mr Samar Singh Kachuaha,
Mr Raghavendra Mohan Bajaj, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD

..... Respondent

Through Mr Parvinder Chauhan, Standing Council
with Mr Nitin Jain, for DUSIB.
Mr Ripu Daman Bhardwaj, CGSC with
Mr R.P. Singh, Advocate for R2/UOI/L&DO.
Ms Zubeda Begum, Advocate for
R-3/Rajya Sabha added respondent.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.08.2018

1. The petitioner has filed the present petition, *inter alia*, impugning a letter dated 07.06.2018 and an order dated 24.07.2013 passed by the respondents whereby the petitioner has been directed to hand over the premises occupied by it.
2. Briefly stated, the relevant facts are that the petitioner had set up a Centre under the name and style of SWATI in Tigri Basti, South Delhi to run a programme/project for women and children. This was set up in the year 1990. The petitioner was allotted a plot of land along with a small built

up room in “Kanak Durga Basti”. A formal letter of allotment was issued to the petitioner on 20.07.1992. The petitioner is carrying on its activities from the premises allotted to it, for the past 27 years. The said allotment was cancelled by a communication dated 24.07.2013 (which is impugned in the present petition). The said land was allotted to the petitioner by the JJ Wing of MCD, which stands transferred to the respondent (DUSIB). DUSIB now seeks to dispossess the petitioner from the aforesaid land.

3. The petitioner is being evicted from the said land on the ground that the land in question has been transferred to the Rajaya Sabha Secretariat, which requires the said land for its own use.

4. The activities carried on by the petitioner are for the benefit of the slum dwellers. It is also not disputed that the allotment of the land in question was made to the petitioner for running a charitable institute to cater to the needs of the slum dwellers. This Court is also informed that the slum is in the process of being removed and the slum dwellers are to be rehabilitated. Initially plans for rehabilitation of the slum were being made by the JJ Wing of the MCD. Thereafter, the DUSIB took over the functions of the said department. This Court is informed that this policy has undergone a change recently. In respect of the land belonging to the Central Government, the Delhi Development Authority (DDA) is now charged with the function of rehabilitating the slum dwellers unless the DUSIB is specifically requested to do so.

5. Concededly, the slum dwellers cannot be removed without a proper scheme for their rehabilitation. This is also the view expressed the Division Bench of this court in ***W.P(C) No.8904/2009*** captioned as ***Sudama Singh &***

Ors v. Govt of Delhi and Anr and other connected matters decided on **11.02.2010**. However, this does not apply to the land occupied by the petitioner. The petitioner, at best, was a licensee and was granted the permissive use of the land allotted to it. Mr Chauhan, learned counsel appearing for DUSIB states that the allotment of the land in favour of the petitioner was unauthorised. It is not necessary to examine this controversy as undisputedly, the licence, if any, stands terminated. Thus, in any view of the matter the petitioner has no legal right to continue to occupy the premises in question.

6. In this view, this Court finds no merit in the present petition. The same is, accordingly, dismissed. The pending application is also disposed of.

VIBHU BAKHRU, J

AUGUST 16, 2018

pkv