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

+ W.P.(C) 8536/2018 & CM No. 32796/2018

MANOJ KUMAR KAUL

..... Petitioner

Through: Mr Rajinder Wali, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Shubhra Parashar, Advocate for
UOI/R-1.

Mr Anuj Aggarwal, ASC for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **16.08.2018**

1. The petitioner has filed the present petition, *inter alia*, seeking a direction to respondent no.1 (Ministry of Home Affairs, Government of NCT of Delhi – MHA) to issue necessary directions/guidelines to respondent no.2 (Government of NCT of Delhi) to permit bifurcation, addition/deletion of family members in migrant relief cards with monetary benefits.

2. The petitioner claims to have migrated from the Kashmir Valley in the year 1990-91 and is now settled in the National Capital Territory of Delhi. The petitioner, essentially, desires that separate cards be issued for addition to his family. The petitioner states that about twenty eight years have elapsed since the petitioner and similarly placed persons migrated to Delhi. During the said period, their families have undergone changes.

Certain new members would have been added while some would have expired. Names of such new additions – which are either by birth or by marriage – are being added to the existing identity cards given to the Kashmiri migrants. The petitioner desires that the said new members be provided a separate identity card with the monetary benefits. Mr Wali, the learned counsel appearing for the petitioner submits that the monetary benefits per card are now restricted to only four members per family (card) and with the issuance of new cards the monetary benefits would get significantly enhanced.

3. The present petition is premised on the policy adopted by the State of Jammu and Kashmir. The petitioner states that the displaced persons from Kashmir valley, who are now settled in Jammu, are being provided additional cards for new members of their family.

4. Concededly, respondent no.2 (Government of NCT of Delhi) has not adopted any such policy as yet. As is apparent from the above, the decision whether to issue cards to families of Kashmiri migrants and to provide enhanced adhoc monetary relief is a matter of policy, and a decision in that regard is required to be taken by the concerned authorities. Clearly, the petitioner has no legal right to demand that new cards be issued for new family members. It is also well settled that mandamus would only be issued where the petitioner is able to establish a legal right. (See: ***Union of India v. Arulmozhi Iniarasu: (2011) 7 SCC 397***)

5. Having stated above, it is seen that there has been substantial deliberation on the question by various authorities and in order to avoid any further confusion in this regard, it would be necessary for the concerned

authorities to take an informed decision and place the same in the public domain.

6. In view of the above, respondent no.2 (Government of NCT of Delhi) is directed to take a decision with regard to the request of the Kashmiri migrants as articulated in the present petition as expeditiously as possible.

7. No further orders are warranted. The petition and the pending application are, accordingly, disposed of.

VIBHU BAKHRU, J

AUGUST 16, 2018
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