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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5130/2015

SHANTA PRASAD & ORS

..... Petitioners

Through Mr Anupradha Singh, Advocate.

versus

DELHI JAL BOARD & ORS

..... Respondents

Through Ms Shakshi Popli, Advocate for DJB.

Mr Abhay Prakash Sahay, CGSC with Mr Brajesh Kumar, Advocate with Mr R.L. Sinha, Advocate for UOI.

Mr Parvinder Chauhan, Standing Counsel for Mr Nitin Jain, Advovcate for Respondent No.3/DUSIB.

Mr Anuj Aggarwal, ASC with Mr Kanishk Rana, Advocate for Respondent No.4 and Respondent No.5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.02.2018

1. The petitioners have filed the present petition, *inter alia*, seeking a direction restraining the respondents from demolishing their hutments located near Y-90, T Huts, Block Y, Hauz Khas, New Delhi -110016.
2. Delhi Jal Board (respondent no.1 – hereafter ‘DJB’) has filed a counter affidavit wherein it is affirmed that “*all the petitioners are/were being paid regular salaries which include HRA also*”. It is also affirmed that the Hutments referred to by the petitioners are only five in number and do not constitute a Jhuggi Cluster. It is also affirmed by respondent no.1 that “*all the petitioners are/were employee of the answering Respondent*”.

3. The learned counsel appearing for the petitioners has disputed the aforesaid statement and in this view, by an order dated 02.02.2018, each of the petitioners was directed to file a separate affidavit indicating whether he or she was employed with DJB.

4. The learned counsel appearing for the petitioners now states that petitioner nos. 1 to 5 are/were employed by DJB; but petitioner no.6 neither is nor was an employee with DJB.

5. The learned counsel appearing for DJB states that this statement may be correct, as there is some confusion whether petitioner no.6 was DJB's employee. It is stated that earlier one Sh Bachan Singh, who was an employee of DJB, had erected a jhuggi and was residing in the Hutments in question; however, it appears that he is no longer residing there. She states that it appears that Shri Lal Bacchan (petitioner no. 6) is a different person.

6. With regard to the compliance of the directions of filing separate affidavits, the learned counsel appearing for the petitioners states that despite best endeavours she has been unable to obtain any instructions from the petitioners.

7. The learned counsel appearing for DJB further clarifies that the petitioner nos. 2, 3 and 5 are currently employed with DJB and each one of them is availing house rent allowance; petitioner no.2 is receiving HRA of ₹7920/- per month and petitioner nos. 3 & 5 are paid HRA of ₹8160/- each per month.

8. Plainly, the petitioners have no right to encroach upon public land and

resist eviction. They are also not entitled to any relocation. It is also apparent that the present petition is an abuse of process of court. In view of the above, the present petition cannot be sustained. The same is, accordingly, dismissed. The pending application is also dismissed.

9. All interim orders are vacated.

VIBHU BAKHRU, J

FEBRUARY 13, 2018

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