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

+ **W.P.(C) 10276/2018 & C.M. No. 40038-40039/2018**

RUSTAM AND ORS.

..... Petitioners

Through Mr P.K. Mittal, Mr Hosihyar Singh,
Mr Ankit Kumar, Advocates.

versus

GNCTD & ORS.

..... Respondents

Through Ms Warisha Farasat, Ms Rudrakshi Deo,
Advocates for R1 and R2.
Mr Ajjay Arora, Mr Kapil Dutta,
Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 28.09.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“Pass a writ in the nature of mandamus or any other order/direction(s) prohibiting the respondents from demolishing the Jhuggi Jhopri Basti situated in C-2 Block Sultan Puri, New Delhi and direct them to provide in situ rehabilitation.”

2. Mr Arora, the learned counsel who appears on behalf of respondent no.3 (North Municipal Corporation, Delhi) states that the respondent is not demolishing any *Jhuggi Jhopri* located in Block-C, Sultan Puri, New Delhi. He has handed over a copy of the map which indicates the location of various blocks of the resettlement colony (Sultan Puri). The map indicates

that there is a road and an open area between Block C-2 and C-4 on one side and Blocks C-8, C-7 and C-6 on the other side. He submits that the said open area includes a small area, which is a park and is meant for CTC Block. He further states that the said area has now been encroached upon by about 30 to 40 Jhuggies which are being demolished.

3. He has also handed over a copy of the letter dated 30.08.2018 indicating that an inspection had been carried out and it was found that 35-40 Jhuggies were located in the open area/CTC Park and were split into three to four small clusters. The said letter also indicates that at the time of inspection none of the residents could produce any document indicated that the said Jhuggies were in existence prior to 2006.

4. Although, the petitioners assert that they were residing in the area for some time, none of the documents produced on record specifically indicate that any one of the petitioners were residing at the Jhuggies in question prior to 2006. The learned counsel appearing for the petitioners has also referred to summons issued to one Kaleram to indicate that the petitioners' Jhuggis existed prior to 2006. It is seen that Kaleram is not one of the petitioners (although his son is). The said summons has been addressed to Kaleram resident of C-2/306. None of the petitioners are residents of the Jhuggi bearing that description.

5. In view of the above, this Court finds no reason to interfere in the actions of the respondents in the present petition. The CTC Block and the open park are also for the benefits of the residents of the locality and the removal of such encroachment cannot be interdicted.

6. The petition is, accordingly, dismissed. The pending applications are also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 28, 2018

pkv