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

+ W.P.(C) 11732/2019

SHRI SARWAN KUMAR AND ORS. Petitioner
Through Mr.Arun K.Srivastava, Mr.Marooof
Ahmad, Mr.K.N.Mishra and Mr.Mimansak
Bhardwaj, Advs. with petitioner No.1. 3 and 4

versus

GOVERNMENT OF NCT AND ANR. Respondent
Through Mr.Sachin Nahar and Mr.V.P.Nahar,
Advs.for GNCTD
Ms.Sunieta Ojha, Adv. for SDMC

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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04.02.2020

CM No.4497/2020

Exemption allowed, subject to all just exceptions.

R.P.51/2020 & CM Nos.4495-4496/2020

1. This Review Petition is filed by the petitioners seeking review of the order of this court dated 6.11.2019.
2. The writ petition was filed seeking quashing of notice of eviction dated 31.10.2019. On 6.11.2019 when the matter came up for hearing learned counsel for the petitioners stated that they need reasonable time to enable them to relocate themselves. The petitioners had prayed for three months' time to relocate themselves and in view of the said submission made, this court directed that no coercive action shall be taken against the petitioners for a period of three months. Petition was disposed of.

3. Against the said order an appeal was filed before the Division Bench being LPA 784/2019. The same was withdrawn on 23.12.2019 with liberty to file a Review Petition. The present Review Petition has now been filed against the said order dated 6.11.2019. Reliance is placed on a communication issued by the Govt. of NCT of Delhi dated 18.4.2007 by which it has been stated that as per rehabilitation policy of Delhi Government there is an arrangement to allow 18 sq.meter alternative plot to jhuggi dwellers residing upto 1990 and after January 1991 and before December 1998 a plot of 12.5 sq.meter as an alternative plot to the jhuggi dwellers for removal of jhuggi basti,

4. I may note that petitioners were present when the learned counsel for petitioners had made the statement on 6.11.2019 seeking three months' time to relocate. I may also note that in the Writ Petition petitioners have themselves mentioned in para 6 that they had urged the Assistant Engineer to give them additional time to relocate somewhere else because it was almost impossible to relocate whole house material and find out a proper place in Delhi and prayed for additional time to vacate the jhuggies.

5. In the light of the above, I cannot help observing that the Review Petition is only an attempt to resile from the undertaking given to this court. in the Writ Petition when the order dated 6.11.2019 was passed. I may note that there are serious allegations being made by local residents that the jhuggies are being used for commercial purpose and not being used for residential purpose.

6. Hence, there are no reasons to review the order of this court dated 6.11.2019.

7. However, keeping in view the policy of the Government of NCT of

Delhi as contained in the communication dated 18.4.2007 it is appropriate that the petitioners are given an opportunity to approach the SDMC to implement the said policy in case the same is applicable to the petitioners.

8. Let the SDMC treat the present petition as a representation by the petitioners for allotment of an alternative plot in terms of the policy, as contained in the communication dated 18.4.2007.

9. Let the concerned Deputy Commissioner treat the present writ petition as a representation of the petitioners for implementation of the policy as contained in the communication dated 18.4.2007. Same shall be disposed of by a speaking order. Needful will be done within eight weeks.

10. Till disposal of the representation by the Deputy Commissioner, no coercive steps shall be taken against the petitioners. In case the petitioners are aggrieved by the order of the Deputy Commissioner they will have liberty to take steps, as per law. I may clarify that this concession should not be treated as any concession to the petitioner qua the submissions made to the court on 6.11.2019.

11. Review petition stands disposed of. All pending applications, if any, also stand disposed of.

12. A copy of this order be given dasti under signatures of the Court Master.

JAYANT NATH, J

FEBRUARY 04, 2020

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