

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

% *Date of decision: March 06, 2019*

+ LPA 158/2019, CM Nos. 10314-10316/2019

VIKAS & ORS

..... Appellants

Through: Mr. Choudhary Ali Zia Kabir, Adv.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD & ORS

..... Respondent

Through: Mr. Parvinder Chauhan, SC for
DUSIB with Mr. Nitin Jain, Adv.
Mr. Arun Birbal, Adv. with Mr. Sanjay
Singh, Adv. for R-3/DDA
Mohd. Irshad, Adv. for R-4 & 5

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

V. KAMESWAR RAO, J. (ORAL)

CM No. 10315/2019 (for condonation of 47 days delay in filing the appeal)

For the reasons stated in the application, the delay of 47 days in filing the appeal stands condoned. Application stands disposed of.

CM No. 10316/2019 (for condonation of 7 days delay in re-filing the appeal)

For the reasons stated in the application, the delay of 7 days in re-filing the appeal stands condoned. Application stands disposed of.

LPA 158/2019

1. The challenge in this appeal is to an order dated November 02, 2018 passed by the learned Single Judge dismissing the writ petition filed by the appellants herein.

2. The petition was filed with the following prayers:-

“a. Direct respondent no.1 DUSIB to conduct a survey of the petitioners and other affected residents of now demolished colony Mata Sundri Road, Minto Road, Darya Ganj, Delhi-110002, and rehabilitate them in accordance with the Delhi JJ slum Rehabilitation and Relocation Policy, 2015;

b. Direct the respondent nos.1 and 2 to provide temporary accommodation at the site where their houses exist prior to the demolition i.e. Mata Sundri Road, Minto Road, Darya Ganj, Delhi-110002;

c. Direct respondent no.2 to pay a compensation of Rs.1,00,000/- (Rupees one Lakh Only) each to the petitioners for the loss of their belongings;

d. Direct respondent no.2 to pay an amount of Rs.50,000/- (Rupees Fifty Thousand) as the cost of mental agony and undertaking the legal proceedings by way of this petition.”

3. It is the case of the appellants that they were the residents of Jhuggi Jhopri (JJ) Cluster located at Mata Sundri Road, Minto Road, Darya Ganj, Central Delhi-110002. The JJ cluster was removed on November 29, 2017.

4. From the submissions noted by the learned Single Judge, it is seen that the appellants herein sought a survey be conducted to enable the appellants to avail the benefit of Rehabilitation Policy, as that is applicable to a cluster having 50 dwelling units. The learned Single Judge was of the view, since the dwelling units have already been demolished a year ago from the date of the order, the survey is not possible. Hence, the relief prayed for was denied to the appellants.

5. The learned Counsel for the appellants has made similar submissions as made before the learned Single Judge. Suffice it to state that in view of the fact that the cluster was removed in the year 2017, it is not possible to carry out a survey and ascertain the number of dwelling units existing in that cluster.

6. We do not see any illegality in the impugned order. The appeal is dismissed.

CM No. 10316/2019 (for interim relief)

Dismissed as infructuous.

V. KAMESWAR RAO, J

CHIEF JUSTICE

MARCH 06, 2019/ak