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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2278/2013 & CM APPL. 4322/2013**

KALRA MEDICAL STORE Petitioner

Through Mr Samrat K. Nigam, Advocate.

versus

DELHI METRO RAIL CORPORATION LTD
AND ANR Respondents

Through Mr Pushkar Sood, Advocate for DMRC
with Ms Garima Law Officer, DMRC.
Mr Anil Grover, Standing Counsel New DMC
with Mr Mishal Vij, Advocate for NDMC.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **15.05.2019**

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

“issue a writ of mandamus or any other appropriate writ, order or direction in the nature thereof directing the Respondent No.1 to execute the License Agreement for the spare area / land in the property of the Petitioner in favour of the Petitioner as per the Draft License Agreement forwarded to the Petitioner by the Respondent No.1 in terms of The Relocation And Rehabilitation Policy In Respect Of Project Affected Persons Of All Categories Due To Implementation Of Delhi MRTS Projects.”

2. There is no dispute that the petitioner owned a shop in and around Yusuf Sarai Market, which was demolished in view of the construction

carried out by respondent no.1 (Delhi Metro Rail Corporation- DMRC), in connection with the MRTS project. There is no dispute that the petitioner is a Project Affected Person (PAP), and in terms of the DMRC policy as well as the policy circular dated 25.10.2006 issued by the Land and Building Department, Government of NCT of Delhi, the petitioner is required to be rehabilitated.

3. Initially, a suggestion was made for the rehabilitation of the petitioner in the same area from which the petitioner was dislocated. However, New Delhi Municipal Corporation (NDMC), which is the land owning agency, has declined to entertain the proposal for rehabilitating the petitioner and other project affected persons by allotment of shops on their land. According to NDMC, shops can only be allotted by an open auction.

4. In view of the above stand, the petitioner is required to be rehabilitated (as a PAP) at another site. The learned counsel appearing for DMRC states that the petitioner's case can be considered for allotment of an alternate shop at Dwarka Mor, Metro Station.

5. Mr Nigam, learned counsel appearing for the petitioner states that in view of the above, the petitioner would examine the said alternate site and indicate his response to DMRC. The learned counsel appearing for DMRC states that in case there is any other issue, the petitioner could refer the same to the Joint General Manager (Legal).

6. In view of the above, the present petition is disposed of by directing DMRC to take all necessary steps for rehabilitating the petitioner, and in accordance with its policy. The petitioner is directed to hold a meeting with the Joint General Manager (Legal) at DMRC Corporate Office on 17.05.2019 at 11.00 a.m. for the said purpose.

7. It is clarified that if the site offered to the petitioner is not suitable, it will be open for the parties to also consider alternative options as well.
8. The petition is disposed of in the aforesaid terms. The pending application is disposed of.
9. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

MAY 15, 2019

pkv