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

+ W.P.(C) 5213/2018 & CM No. 20204/2018

RADHA & ORS

..... Petitioners

Through: Mr Choudhary Ali Zia Kabir,
Advocate.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD & ORS

..... Respondents

Through: Ms Puja Kalra and Mr Virendra
Singh, Advocate for R-2/SDMC.
Mr Roshan Lal Goel and Ms Anju
Gupta, Advocates for R-5.
Mr Anuj Aggarwal, Addl. Standing
Counsel with Mr Himanshu Sharma,
Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.01.2019**

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

- “a. direct R1, DUSIB to conduct a survey of the affected residents and rehabilitate them in accordance with the Delhi JJ slum Rehabilitation and Relocation Policy 2015;
- b. direct R2, SDMC to pay the petitioner an amount of Rs.50,000/- (Rupees Fifty Thousand Only) as the cost of mental agony and undertaking the legal proceedings by way of this petition.
- c. direct the R3, Police to provide protection against any

demolition to the residents until express order from the Court.”

2. The petitioners claim to be residents of JJ Basti, E-Block Resettlement Colony, Khyala, Delhi-110018. The petitioners contend that their allotments are a part of the JJ cluster and they have been residing prior to 01.01.2006 and, therefore, they are entitled to the benefit of the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015. The learned counsel appearing for respondent no.1 (DUSIB) disputes the aforesaid contention that the petitioners are entitled to the benefit of the policy. He submits that there is no material to indicate that the allotment of the petitioners existed prior to 01.01.2006. He further submits that the allotments of the petitioners are below the threshold number required to be recognised as a JJ cluster. In any event, he submits that DUSIB will not take any steps as they are not the land owning agency and are not required to take any such action.

3. The learned counsel appearing for the SDMC also states that the SDMC is not the land owning agency of the area where the hutments of the petitioners are stated to be located, thus, it does not fall within their jurisdiction. The learned counsel appearing for respondent no.5 (Ministry of Housing & Urban Poverty Alleviation) has also advanced contentions similar to those advanced by the DUSIB. He, however, states that there is no plan for taking any immediate action for demolition of the hutments in question and, if any action is to be taken, due notice would be given to the petitioners and any such action would be carried out in accordance with law.

4. In view of the above, no orders are required to be passed in this petition at this, stage, except to direct respondent no.5 to issue atleast one

month's prior notice in the event any demolition action is to be taken. It is so directed.

5. The petition is disposed of in the above terms.
6. The pending application is also disposed of.
7. It is clarified that this Court has not examined any contentions advanced by the petitioners and all contentions of the parties are reserved.

VIBHU BAKHRU, J

JANUARY 07, 2019
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