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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5855/2016 & CM APPL. 24115/2016

CHANDA & ORS

..... Petitioner

Through Mr Choudhary Alizia Kabir, Advocate.

versus

DELHI METRO RAIL CORPORATION

AND ORS

..... Respondents

Through Mr R.V. Sinha, Mr A.s. Singh, Mr Amit Sinha, Advocates for R1.

Mr Ruchir Mishra, Mr M.K. Tiwari, Advocate for UOI.

Mr Rakesh Singh, Mr Kalivamna, Advocates for R3 and R4, R5.

Mr Sushant Tripathi, Legal Assistant for DMRC.

Mr Parwinder Chauhan, Advocate for DUSIB/R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.07.2019

1. The petitioners have filed the present petition, *inter alia*, praying that the respondents be restrained from demolishing any of the homes of the persons residing in the slum cluster called Mahatma Gandhi Camp, Road No.77, Punjabi Bagh New Delhi
2. DUSIB/R-3 has filed a counter affidavit stating that some of the *jhuggis* were located on land required by the Delhi Metro Rail Corporation Limited (DMRC) for construction of 'Line 7 Mukundpur to Shiv Vihar'. Accordingly, a survey was conducted at the instance of DMRC in December, 2015 and it was found that a total of 79 units existed on the land required by DMRC. It is further stated that out of the 79 units, 55 JJ dwellers were found eligible for rehabilitation and allotment of alternate

accommodation. Out of the said 55 eligible JJ dwellers, 41 had deposited their contribution and one JJ dweller had deposited only part consideration. It is also affirmed that 39 JJ dwellers had voluntarily vacated the said *Jhuggies* and were shifted to flats allotted at K-Block, Baprola. It is stated that in the present case out of the seven petitioners, five were found to be eligible for rehabilitation and alternate units have been identified for allotment to them.

3. Mr Chauhan learned counsel appearing for DUSIB has submitted that all eligible JJ dwellers have been granted alternate accommodation and those who were found ineligible, have filed appeals before the Appellate Authority. He also states that the entire JJ Cluster is not being removed but only limited units that were located on an area on the land, which is currently required by DMRC, have been removed.

4. On 05.04.2019 learned counsel appearing for the petitioner had sought time to take instructions. He states that despite best efforts, he is unable to obtain any instructions in this regard.

5. This Court does not consider it apposite to defer the present petition and therefore the statement made by Mr Chauhan must be accepted. However, in order to protect the rights of the petitioners, it is clarified that if the statement made by Mr Chauhan is found to be incorrect or erroneous, the petitioners would be at liberty to apply.

6. The petition is disposed of with the aforesaid observations. The pending application is also dismissed.

VIBHU BAKHRU, J

JULY 08, 2019/pkv