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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 27.11.2019

+ W.P.(C) 3430/2017 & C.M. Nos.15002/2017, 34852/2018,
20850/2019

MATHURA PRASAD AND ORS Petitioners

Through: Ms. Ruchira Goel & Ms. Priya Watwani,
Advocates with petitioner in person.

Versus

SOUTH DELHI MUNICIPAL
CORPORATION AND ORS

..... Respondents

Through: Mr. Sanjay Poddar, Sr. Advocate with
Mr. Sandeep Bajaj & Mr. Naman Tandon,
Advocates for R-SDMC.
Mr. Anand V. Khatri, Advocate for R-2.
Mr. Parvinder Chauhan, Advocate for
R-3/DUSIB.
Ms. Kanika Singh & Mr. Rishi Vohra,
Advocates for R-4/DDA.
Ms. Maneesha Dhir & Mr. Abhishek
Kumar, Advocates for R-5.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (Oral)

1. This writ petition has been preferred as a Public Interest Litigation for the following prayers :-

- (i) *Pass an order in the nature of a writ of mandamus or any other appropriate writ or order directing the Respondent Nos. 1 and 3 herein to provide in situ upgradation/rehabilitation under the New Delhi Slum & J.J. Rehabilitation and Relocation Policy, 2015, to the eligible residents that reside in the Arjun Das Camp and*

Bengali Camp, Kushak Nala, East Kidwai Nagar;

- (ii) *Pass an order directing the Respondent No.1 to disclose on affidavit the status of the residents of the Arjun Das and Bangali Camp situated along the Kushak Nala;*
- (iii) *Pass an order directing all the Respondents to cease any further evictions or harassment of residents that live in the area until all appropriate rehabilitation has been provided;*

2. Having heard the learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that several persons are staying at *Jhuggi Jhopari Basti*, East Kidwai Nagar, New Delhi who are to be rehabilitated as per the decision taken by the respondent No.3 dated 14.06.2016 (Annexure P-16 to the memo of this writ petition).

3. It further appears from the facts of the case that there are total 449 units at the site in question.

4. Out of the aforesaid 449 units, 404 unit holders appeared before the respondents for “eligibility determination”.

5. Out of the aforesaid 404 units of *Jhuggi Jhopari Basti*, East Kidwai Nagar, New Delhi, 289 unit holders were found to be eligible as per the Rehabilitation Policy dated 14.06.2016 (Annexure P-16 to the memo of this writ petition).

6. There shall be draw for the allotment of the flats to the 289 eligible unit holders after depositing the amount as per the aforesaid policy. Thereafter, in accordance with Rule 4 of Delhi Slum & J.J. Rehabilitation & Relocation Policy, 2015 (Annexure P-16, Pg. 180), the flats will be allotted to them. Furthermore, they will have to vacate the *Jhuggi Jhopari Basti*

where they are staying at present illegally and those houses which are illegally constructed cannot be given to anybody on rent nor the same can be elevated in any manner whatsoever. The same are bound to be demolished by the respondents.

7. It further appears from the facts of the case that occupiers of 45 units have never appeared for “eligibility determination”, they are also given one more opportunity to present documents and to show their eligibility as per the policy decision dated 14.06.2016 (Annexure P-16 to the memo of this writ petition).

8. The occupiers of 115 units were found ineligible. Out of these 115 ineligible occupiers, 93 have preferred appeal before the Appellate Authority, as provided under the policy decision.

9. Thus the occupiers of 289 units, who were found eligible to whom the flats are to be allotted upon payment of amount, as mentioned in the policy decision dated 14.06.2016 (Annexure P-16 to the memo of this writ petition). Some of them have already deposited the amount in accordance with the aforesaid policy. The only question now left out is within what least possible time, the respondent No.3 shall complete the process of allotment of the flats to the occupiers of 289 units, who were found eligible.

10. Learned counsel appearing for respondent No.3 upon instructions from their clients, very fairly submitted that they may be given four months’ time to complete the process of allotment of the flats.

11. Out of 449 units, the occupiers of 45 units have never appeared for “eligibility determination” before the Delhi Urban Shelter Improvement Board (DUSIB). Thus, out of remaining 404 units, occupiers of 289 unit holders are already found eligible for the flats/new dwelling units.

12. In view of these submissions, we hereby direct the respondent No.3 to complete the process of allotment of the flats/dwelling units to the 289 eligible unit holders within a period of five months on receipt of necessary payment as per the policy decision dated 14.06.2016.

13. In view of the aforesaid facts and in view of the aforesaid direction given for 289 units, we see no reason to further monitor this case.

14. With these observations, this writ petition is hereby disposed of. Liberty is reserved with the petitioners to move this Court in case of any difficulty but at least not before five months for the aforesaid 289 unit holders.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 27, 2019
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