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

Date of Decision: 24.10.2019

+ W.P.(C) 11702/2018 & CM APPL. 45289/2018

SUNIL KUMAR ALEDIA

..... Petitioner

Through: Mr. Bibhuti Bhushan Mishra, Adv.

Versus

DELHI URBAN SHELTER

IMPROVEMENT BOARD AND ORS.

..... Respondents

Through: Mr. Parvinder Chauhan, Standing
Counsel with Mr. Nitin Jain, Adv. for DUSIB.

Mr. Prateek K. Chadha, Adv. for respondent.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

: **D.N. PATEL, CHIEF JUSTICE** (*Oral*)

CM APPL. 45289/2018 (*exemption*)

Allowed, subject to just exceptions.

W.P.(C) 11702/2018

1. Counsel appearing for the petitioner submitted that suffice would it be for the disposal of this writ petition if a suitable direction is given to the respondents that the night shelter home pointed out in this writ petition at Asaf Ali Road, New Delhi may not be used for election purpose in future.
2. Having heard counsels for the parties and looking to the facts and circumstances of the case it appears that the arguments canvassed by counsel for the petitioner is that on 12.05.2019 few extra rooms of night shelter situated at Asaf Ali Road, Delhi were used for assembly elections.
3. It happens that for a day or two if one or two rooms of the shelter home is used by the Government for the election purpose, that does not

mean that they shall continue using those rooms for permanent purpose for the election.

4. We expect from the respondents that they will not use/retain permanently those rooms of a night shelter at Asaf Ali Road, Delhi for the election purpose. If the work is over, those rooms shall again be utilized for the assigned purpose situated at Asaf Ali Road, Delhi.

5. It is submitted by the learned counsel for the respondent No.1/Delhi Urban Shelter Improvement Board (DUSIB) that a detailed counter affidavit has been filed along with the map of the night shelter. In fact, no room of the night shelter has been used for the election purpose, as submitted by the learned counsel for the respondent No.1.

6. It appears from the counter affidavit filed by the respondent No.1 along with the map which is at Annexure R-1/2 that at the place in question there are 15 rooms out of which 8 rooms have been allotted for the shelter home. Thus, out of these 8 rooms not a single room has been utilized for the election purpose.

7. Thus, if any room out of the total 8 rooms of the shelter home is being used for the election purpose, the same shall be vacated forthwith. If out of those 8 rooms, not a single room is used for the election purpose, there is no need to vacate rest of the rooms because all the rooms are not part and parcel of the shelter home.

8. With these observations, this writ petition is disposed of.

CHIEF JUSTICE

OCTOBER 24, 2019/kks

C.HARI SHANKAR, J