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

+ W.P.(C) 1980/2020 and CM No.6924/2020

EKHLAQUE GAUHAR

..... Petitioner

Through : Mr. Hemant Gulati and Mr.Hemendra
Jailiya, Advs.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through : Mr. Ajay Digpaul, CGSC with
Mr.Sahaj Garg and Mr. Soumava
Karmakar, Advs. for R-1/UOI.
Mr. Dhanesh Relan, Standing Counsel
with Ms. Gauri Chaturvedi and Ms.
Pallavi Nagar, Advs. for R-2/DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **24.02.2020**

CM No.6924/2020

1. Allowed, subject to just exceptions.

W.P.(C) 1980/2020

2. Issue notice to the respondents.

3. Mr. Ajay Digpaul accepts notice on behalf of respondent no.1/UOI while
Mr. Dhanesh Relan accepts notice on behalf of respondent no.2/DDA.

4. In view of the directions that I propose to pass, both, Mr. Digpaul and
Mr. Relan, who appear on behalf of respondent nos.1 and 2 respectively, say
that counter affidavits need not be filed and the writ petition can be disposed of
at this stage itself.

5. What has emerged after hearing the arguments in the matter is that the
petitioner who was residing in a *jhuggi* bearing no.A-508, Katputli Colony,

Delhi-110008 was issued a relocation-cum-allotment slip dated 30.10.2017 wherein, *inter alia*, the following is stated :

“The Jhuggi No A-508, existing at Kathputli Colony J.J Cluster, Pandav Nagar near Shadipur Depot, Delhi-110008 belonging to Shri./Smt. MD. Eklak S/o Late Sh. Md. Ashraf is going to be vacated by its occupants on _ for shifting to the Transit Camp at Anand Parvat. Thereafter the said Jhuggi will be removed for insitu development of Kathputli Colony by the approved Developer under the PR Project of the DDA.

He/She is eligible for allotment of alternative flat under in-suit scheme as per policy/tripartite agreement. The name of abovementioned Jhuggie Dweller exists in survey list or part of new survey at SI No. 2270.”

(emphasis is mine)

6. To be noted, the aforementioned document is marked as Annexure P-4 and is appended on pages 39 and 40 of the paper book.
7. A perusal of the aforesaid extract would show that the petitioner, at that stage, was recognized as a *jhuggi* dweller in Katputli Colony and that he was held to be eligible for allotment of a flat in the alternative, as per the policy framed by respondent no.2/DDA.
8. The petitioner is, presently, aggrieved by the issuance of a communication dated 06.01.2020 whereby, the Eligibility Determination Committee constituted by respondent no.2/DDA seeks to re-examine the eligibility of the petitioner for being rehabilitated in Katputli Colony where, as indicated above, flats are being constructed for *jhuggi* dwellers who are placed in transit camp located in Anand Parvat.
9. The petitioner’s grievance is that despite the representation being made on 14.02.2020, there has been no closure concerning the issue at hand.

10. It is the petitioner's case that the electricity to the hutment located in the transit camp, situate in, Anand Parvat, has been disconnected.

11. Thus, given the fact that the petitioner was initially recognized by respondent no.2/DDA as a person who was eligible for rehabilitation in one of the many flats that are being constructed in Katputli Colony, I am of the view that till the time the petitioner's case is reconsidered by the Eligibility Determination Committee, *status quo ante* would have to be restored.

12. Accordingly, the captioned writ petition is disposed of with the following directions :

(i) Respondent no.2/DDA will ensure that the petitioner is not dispossessed and the electricity connection is provided, if not already provided to the petitioner's hutment located in the transit camp situate in Anand Parvat within 48 hours of the receipt of a copy of the order.

(ii) The petitioner will appear before the Eligibility Determination Committee along with the requisite documents as and when notice is issued in that behalf.

(iii) The Eligibility Determination Committee will after reexamining the issue concerning petitioner's eligibility pass a speaking order.

(iv) In case the order passed by the Eligibility Determination Committee is adverse to the interest of the petitioner, the interim protection granted by this court will continue to operate for a period of two weeks to enable the petitioner to approach the appellate authority which, I am told, has also been constituted by respondent no.2/DDA.

13. *Dasti* under the signatures of the Court Master.

RAJIV SHAKDHER, J

FEBRUARY 24, 2020/aj