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

Date of decision: 4th March, 2020

+ W.P.(C) 2531/2020 and CM No.8854/2020

DR NAND KISHORE GARG Petitioner
Through: Mr. Shashank Deo Sudhi, Adv.

versus

GOVT OF NCT OF DELHI & ANR Respondents
Through: Mr. Sanjoy Ghose, Addl.Standing
Counsel-GNCTD with
Mr. Rhishabh Jetley, Ms. Urvi Mohan and Mr.
Naman Jain, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
% **04.03.2020**

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 2531/2020

1. This Public Interest Litigation has been preferred with the following prayers :

“(a) Issue a direction in nature of mandamus or any other appropriate writ, order/direction or directions for directions to the respondents to strike down the announcement order of

compensation to all victims of riots as being unreasonable and being arbitrary.

and/or

(b) Direct the respondent for laying down the comprehensive and exhaustive guidelines or regulation in respect of width and length of the space for government advertisement/notification to prevent the misuse of public money by advertising on full page of newspaper which can be merely published on the line of other government notifications.

And/or

(c) Direct the respondents to re-notify fresh notification/announcement by incorporating mandatory conditions of identification of the real victims before releasing the compensation amount, so that the outsiders may be excluded from getting the benefit of this scheme of compensation.

And/or

(d) Direction to restore/rehabilitate the re-construction of damaged educational institutions and religious places irrespective of the communities in time bound manner, so that the forthcoming academic educational session may start on time without any disruptions.

And/or

(e) Direct the respondent for regulation of ex-gratia compensation amount which should be proportionate to the loss of life and social standing of the deceased.

And/or

(d) Pass such further order(s) as may be deemed fit and proper under the facts and in the circumstances of the case.”

2. Looking to the aforementioned prayers, we make it explicitly clear that the aforesaid is a policy decision of the Delhi Government and we will be extremely slow in interfering with the policy decision of the Government. How much of the amount of compensation should be paid to the riot victims is a policy decision of the respondents and we do not deem it appropriate to interfere with it.

3. Moreover, it appears that as per the decision dated 24th April, 2018 in W.P.(C) 569/2015 passed by this Court directed the Government to enhance the compensation amount, para 12 whereof reads as under :

“12. Keeping in view the passage of time, inflation, cost of living index, etc., the office order dated 5th April, 2011 deserves to be relooked at and examined so as to ensure payment of effective amount towards compensation.”

4. Learned counsel appearing for the petitioner submits that those who are involved in the riots should not be paid compensation. This contention appears to be attractive but looking to Annexure P-1 which is a Delhi Government's Assistance Scheme for the help of riot victims, we expect from the respondent-Government authorities that they will give the

assistance to the riot victims only under the aforesaid scheme. It means that the Scheme at Annexure P-1 will be applicable to the riot victims only.

5. In view of the above, we see no reason to entertain this writ petition and the same is therefore dismissed.

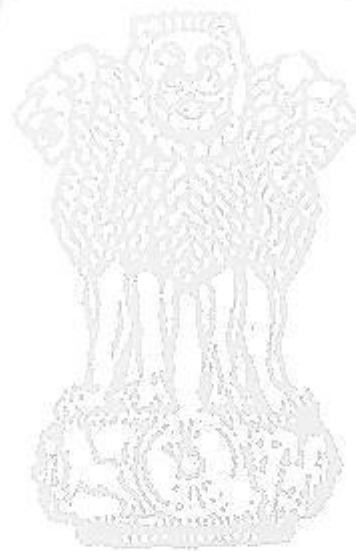
CM No.8854/2020

1. In view of the dismissal of the writ petition, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

MARCH 04, 2020/kr



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