

7
\$~

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

+ **W.P.(C) 3063/2020**

FAZAL ABDALI

..... Petitioner

Through: Ms. Sneha Mujkherjee, Advocate.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Ms. Sanjoy Ghose, Advocate with
Ms. Urvi Mohan, Advocate for GNCTD.

%

Date of Decision: 08th May, 2020

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The present petition under Article 226 of the Constitution of India has been listed before this Bench by the Registry in view of the urgency expressed therein.
2. The writ petition has been heard by way of video conferencing.
3. Present public interest litigation has been filed seeking immediate relief for the Rohingya families living in three different settlements in Delhi (i.e. Khajuri Khas, Shram Vihar and Madanpur Khadar) on the ground that they have been denied relief under the various relief packages announced by the Government of Delhi to combat the COVID-19 pandemic.

4. Learned counsel for petitioner states that despite order dated 11th May, 2018 passed by the Supreme Court in W.P.(C) 859/2013, the respondent has failed to provide basic amenities such as safe drinking water, sanitation, medical aid and education for their children. The relevant portion of the order dated 11th May, 2018 passed in W.P.(C) 859/2013 is reproduced hereinbelow:-

“However, for the present, we issue the following directions:-

(i) As far as Nuh Block, District Mewat, Haryana is concerned, the Sub-Divisional Magistrate or the equivalent authority of District Mewat, Haryana and in respect of Kanchankunj, Kalindikunj, Delhi, the concerned jurisdictional Revenue Magistrate, Delhi are appointed as the nodal officers. The said position is accepted by Mr. Tushar Mehta, learned ASG.

(ii) Parents or any relative or a guardian of a child or a patient, can go with a grievance to the Nodal Officer, if any facility, as stated in the Status Report is denied to him/her. The Nodal Officer shall do the needful, as stated in the Status Report.”

5. Upon a perusal of the petition, this Court finds that in emails dated 31st March, 2020 and 23rd April, 2020, the petitioner has made general allegations of neglect of Rohingya refugee families without giving any specific particulars. For instance, in the representation dated 31st March, 2020, the petitioner states, *“In recent conversation with the refugee families i.e. on 31/03/2020, they informed that some of the families are facing health condition such as cold and cough.....Yesterday, one of the refugees came to Shaheen Bagh to buy medicine was detained by the local police for some time and thereafter was released.”* Neither the names of the families with whom the petitioner had conversation nor the name of the individual who was detained by the local police has been mentioned in the said representation. Further, in the representation dated 23rd April, 2020, again a general allegation has been made, inasmuch as it is stated, *“No ration or support has been provided to the refugees from the government*

authorities which has led the community to be at the verge of starvation....Both the communities are not receiving adequate drinking water....There are no medical facilities available for the refugees.”

6. Keeping in view the specific interim direction of appointment of Nodal Officer by the Supreme Court, this Court is of the view that the petitioner should have approached the Nodal Officer with precise and specific allegations.

7. This Court is further of the view that as the matter is pending in the Supreme Court, it would not be appropriate to entertain a second writ petition.

8. It is pertinent to mention that Mr. Sanjoy Ghose, learned counsel appearing for GNCT of Delhi states that adequate ration has been provided to the Rohingya families and four hunger centres are being run close to the three camps mentioned by the petitioner.

9. Consequently, present writ petition is disposed of with a direction to the petitioner to approach the Nodal Officer/Revenue Magistrate in accordance with the order dated 11th May, 2018 with precise allegations/particulars specifically mentioning the name and address of the refugee who has been denied medical aid or ration or drinking water. In the event, such a representation is filed, the same shall be disposed of by the Nodal Officer by a speaking order within three working days.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

MANMOHAN, J

SANJEEV NARULA, J

MAY 08, 2020

js