

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-20935-2021

Date of Decision : March 23, 2023

AJMERI AND ORS.

-Petitioners

V/S

UNION OF INDIA AND ORS.

-Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Ms. Anjali Sheoran, Advocate
for the petitioners.

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Ms. Saigeeta Srivastava, Advocate
for the respondent No.1.

Mr. P.P. Chahar, DAG, Haryana.

Mr. Karminder Singh, Advocate and
Mr. Prabhsher Singh Walia, Advocate
for the respondent No.3.

Mr. Aman Bahri, Advocate
for the respondent No.4.

Mr. Amandeep Singh, Advocate for
Mr. Priyavrat Parashar, Advocate
for the respondent No.5.

SURESHWAR THAKUR, J.(ORAL)

1. The writ petitioners become aggrieved from the drawing of Annexure P-1. A reading of Annexure P-1 discloses, that the petitioners, who were residing in Jhuggis, and, which became unauthorizedly constructed, on the land(s), belonging to the Department of Railways, have been ordered to be evicted therefrom.
2. The petitioners pray for a relief, that unless they are rehabilitated by the Department of Railways, thereupto the order, as enclosed in Annexure P-1, be not enforced against them, as, thereupon they will be rendered shelterless and homeless, hence causing breach of the mandate of Article 21 of the

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Constitution of India.

3. The above relief is well merited, and, it is made dependent, upon, a verdict drawn by the Hon'ble Apex Court, on SLP (C) No.19714 of 2021, rendered in case titled "Utran Se Besthan Railway Jhopadpatti Vikas Mandal V/s Government of India & ors.". Conspicuously, since therein the occupants of the Jhuggis concerned, as became constructed on the land(s) belonging to the Railways Department, were assigned relief, inasmuch as, the Department of Railways becoming directed to rehabilitate the occupants of the Jhuggis concerned, as per the Prime Minister Awas Yojna. Therefore, in terms of the verdict (supra), as drawn by the Hon'ble Apex Court, this Court likewise, makes a direction upon the Department of Railways, Government of India, or the authority(ies) concerned, to rehabilitate the petitioners at a suitable accommodation, as per the scheme (supra), but, on a clear understanding, that they must fulfill all the prescribed terms and conditions, as become carried in the scheme (supra).

4. The above process be ensured to be completed, but, within two months from today, and till the above process is completed, thereupto the petitioners may not be evicted from the Jhuggis, which have been constructed on the land(s) belonging to the Department of Railways, Government of India.

5. Moreover, it is also directed that the instant writ petition be treated as a representation, and, a decision thereon be taken by the respondent(s) concerned, in the above terms, but, within two months from today.

6. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

March 23, 2023
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