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

+ **W.P.(C) 2822/2021 & CM APPL. 8508/2021**

SHABNAM

.....Petitioner

Through: Ms. Kawalpreet Kaur, Mr. Nayab
Gauhar, Mr. Aryan Kumar, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Sameer Vashisht, ASC (Civil) for
GNCTD with Mr. Vanshay Kaul, Mr.
Vedansh Vashisht, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

19.07.2024

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1. The instant writ petition has been filed seeking the following prayers:

- “a. Quash and set aside the Delhi Government’s Assistance Scheme for the Help of Delhi Riot Victims formulated by the Government of NCT of Delhi which limits the compensation from Rs.5,000/- to Rs.10,00,000/-; And/or*
b. Direct the respondent no.1 and 2 to grant total compensation of Rs.25,00,000 to the petitioner
c. Direct the respondent no.1 and 2 to pay Rs.5,00,000 out of Rs.25,00,000/- as an interim compensation to the petitioner;
d. Pass an order or directions to the respondent no.1 to modify the present Government Assistance Scheme for the Delhi Riot Victims formulated by the Government of NCT of Delhi and to take into consideration the looting, theft and vandalism of residential and commercial places during the riot;
e. Pass an order or directions to the respondents to enhance the compensation amount for the tenants to 50% under the residential unit head which makes an amount of Rs. 2.5 each for both the owner and its tenant.
f. Pass any other order deemed fit and proper in the circumstances of the present case.”

2. Status report has been filed in the petition on 23rd April, 2021 which reads as follows:



BEFORE THE HON'BLE HIGH COURT OF DELHI

In Re-

Shabnam

V/s

Govt of NCT, Delhi & Others

Writ petition (Civil) 2822 of 2021

SUB: Status Report on behalf of Respondent No.4, SUB-DIVISIONAL MAGISTRATE, Karawal Nagar in the Matter of Shabnam vs. GNCTD & Others; Writ Petition (Civil) No.2822/2020

1) That, by the way of instant petition, the petitioner Ms. Shabnam, House No. 304, Street no. 19, Phase-7, Karawal Nagar, Delhi-110094 is seeking compensation from the Respondents No.1 i.e GNCT, Delhi and Respondent no.2 union of India to grant total Compensation of Rs.25,00,000 to the petitioner;. The petitioner prays for enhancement of compensation and has also challenged the maximum limits fixed on the amount of compensation to be disseminated, as per the Delhi Riots- Relief and Rehabilitation Assistance scheme.

2) The petitioner stated that she is Shabnam, wife of Shahid and resident of House No.304, street no. 19, Phase-7, Karawal Nagar, Delhi-110094. The Petitioner had a shop of welding at Johripur, near Shiv Vihar and stayed on a rented house at Karawal Nagar with her family. She lived with her husband and her sons and daughters at the house No.304, street no. 19, Phase-7, Karawal Nagar, Delhi-110094. On 21.08.2020, the Petitioner sent a detailed representation to SDM, Nand Nagri, New Delhi describing in detail the financial loss suffered by the Petitioner. The Petitioners stated that she has not received any compensation until this date. The aggrieved Petitioners seek Rs.5 lakh as interim compensation and 25 lakh as total compensation.

3) That, It is submitted that teams comprising of Sector Sub-divisional Magistrate, officials from Public works department (PWD), BSES Ltd, and Delhi Jal Board (DJB) were duly constituted on the orders of competent authority authorized by GNCT, Delhi and such authorized teams conducted local inquiry w.r.t application submitted by the applicants. Subsequently, a report was submitted before the office of Sub-divisional Magistrate, Karawal Nagar. The office of Deputy Commissioner, District North-east, GNCTD and Sub-divisional Magistrate had no control over the working of such teams during inspection and preparation of reports and merely sanction was given on approved claims, as per prescribed process, guidelines and policy.



4) That, as per records, one Sh.Habib Khan S/o Islam khan filed an application for compensation w.r.t property No.304,first floor (owner/resident) Khasra No.6/4,7/1,Gali no.19,Phase -7,Shiv vihar,Delhi. An amount of Rs 2,50,000 as ex gratia was paid to said Sh.Habib Khan.

Also, one Sh.imamudin S/o Abdul Gaffur filed an application for compensation w.r.t property no.304/1,Khasra No.6/4,7/1,Gali No.19,Phase 7,Shiv vihar Delhi (as a tenant residence with family)and an amount of Rs 25,000 was paid to him ,as per assessment done by the authorized team. The ex-gratia was given to applicants in consonance with scheme of GNCT, Delhi and observation given by inspection team. **(The documents prepared by such team w.r.t claim of other applicant are Annexure A Colly)**

So, the petitioner,Ms Shabnam must be directed to provide clarification as to how Rs 25,00,000 may be released in the instant case. Additionally, the Petitioner also stated that she was not aware of the compensation scheme announced by the Delhi Government earlier. On 21.08.2020, the Petitioner sent a detailed representation to SDM, Nand Nagri, New Delhi describing in detail the financial loss suffered by the Petitioner. The Petitioner has not received any compensation until this date.

5) It is submitted that, due information about compensation scheme was given by newspaper and other modes and last date of filing of forms was also informed by advertisement. The necessary document containing information about advertisement of last date for filing of claim was 25.7.2021 is annexed herein. The respondent no.4 cannot entertain such application which were filed beyond prescribed date as the same would lie in contravention to order passed by higher authorities. (Annexure B)

The respondent no.4 cannot pass any order; in contravention of rules and policy lay down by the Government.

6) That, It is respectfully submitted that the hon'ble court may pass necessary order as it deem appropriate and office of Respondent shall be abide by the order and directions passed by the Hon'ble court in the instant matter or otherwise.

Dated 23/04/2021
Delhi


Puneet kumar patel
Sub-Divisional Magistrate, Karawal Nagar
District North-East, GNCTD
Respondent No.3

3. It has been pointed out that by Mr. Sameer Vashisht, ASC (Civil) for GNCTD, that the Petitioner had not furnished any proof of the alleged damage to their property during the riots in question. He further submits that the team comprising of senior officers from the Office of the concerned SDM, PWD, BSES and DJB had visited the property of the Petitioner who asserted the claims, however, in absence of any proof of rioting, the claim of the Petitioner could not be entertained.

4. At this juncture, counsel for the Petitioner states that she would be satisfied in case the Court were to direct that the Petitioner's case be considered by the North-East Delhi Riots Claims Commission.



5. The Court is also informed that the window for filing such claims in terms of the public notices issued by the Claims Commission has since expired. However, considering the fact that it is a case relating to claim on account of riots, and the Petitioner had approached the Court in the year 2021, the Court is of the opinion that the Petitioner should be afforded an opportunity to present their case before the Claims Commission. That said, it must be observed that in light of the disputed facts that have emerged from the aforementioned status report, the Court is not inclined to entertain the present writ petition under Article 226 of the Constitution of India. It is now open for the Petitioner to substantiate their claims before the North-East Delhi Riots Claims Commission.

6. In view of the above, the present petition is disposed of with the direction that in case the Petitioner files a claim before the Claims Commission, the same shall be examined and decided as expeditiously as possible.

7. It is clarified that the fact that this Court has not entertained the present petition does not mean that the Petitioner cannot sustain their claims for the alleged loss before the North East Delhi Riots Claims Commission and prove that they, being victims of riots, are indeed entitled to grant of compensation, in accordance with law.

SANJEEV NARULA, J

JULY 19, 2024

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