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

+ W.P.(C) 4146/2021 & CM APPL. 12603/2021

SAYEED AHMAD KHAN

.....Petitioner

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

versus

GOVERNMENT OF NCT OF DELHI AND ORSRespondents

Through: Mr. Sameer Vashisht, ASC (Civil) for
GNCTD with Mr. Vanshay Kaul, Mr.
Vedansh Vashisht, Advocates for R-1.
Mr. Niraj Kumar, Sr. Central Govt.
Counsel with Mr. Chaitanya Kumar, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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19.07.2024

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

“a. Direct the respondent no.1 and 2 to grant total compensation of Rs. 5,00,000 to the Petitioner; And/or

b. Direct the respondent no.1 and 2 to pay Rs. 50,000 out of Rs. 5,00,000/- as an interim compensation to the Petitioner;

c. Direct Respondent No. 3 and 4 to provide a copy of the inspection report with respect to inspection of the shop of the Petitioner;

d. Direct that interest at the rate of 12% be paid to the Petitioner from the date of damage caused in the riots till date of payment of amount;

e. In view of the delay on part of Respondents in payment of compensation direct them to pay such additional compensation as this Hon'ble Court may deem fit and appropriate towards compensation for the loss suffered by the Petitioner;

f. 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;
g. 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-

Sayeed Ahmed Khan

V/s

GNCTD & Others

Writ petition (Civil) 4146 of 2021

**SUB: Status Report on behalf of Respondent No.4, SUB-DIVISIONAL
MAGISTRATE, Karawal Nagar in the Matter of Sayeed Ahmed Khan & vs.
GNCTD & Others; Writ Petition (Civil) No.4146/2020**

1) That, by the way of instant petition, the petitioner Sh.Sayeed Ahmed Khan S/o Noor Mohammad, R/o 15 Foota Road, Akbari Masji, Shankar Garden, Ashok Vihar, Loni Dehat, Ghaziabad, UP-201102 is seeking compensation amounting to a total of Rs. 5, 00,000/- from the Respondents, in accordance with the Delhi Government's Assistance Scheme for the help of victims of the said communal violence.

2) The petitioner had deposed on affidavit that he was running the Shop at B-231, Gali no. 14, Main 25 foota road, phase 10, Shiv Vihar, Karawal Nagar and his shop was burnt and looted during the incident of communal violence that took place on 24.02.2020 at Shiv Vihar, Karawal nagar, Delhi Further, it is mentioned The Petitioner suffered total damage of more than Rs. 5 lakh and He then made complaint at Karawal Nagar Police Station. His complaint was attached with FIR no. 133/20, dated 03.03.2020.

3) That, the Petitioner also stated that was not aware of the compensation scheme announced by the Delhi Government earlier. On 23.08.2020, 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.

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 (Annexure A).



4) That, the petitioner prayed that the respondent no.1 and 2 to grant total compensation of Rs. 5,00,000 to the Petitioner; and/or the respondent no.1 and 2 to pay Rs. 50,000 out Of Rs. 5,00,000/- as an interim compensation to the Petitioner. It is also prayed by petitioner that Respondent No. 3 and 4 shall be directed to provide a copy of the inspection report with respect to inspection of the shop Of the Petitioner.

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, reports was submitted before the office of Sub-divisional Magistrate, Karawal Nagar and other SDM concerned as per applications forms. 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 and guidelines.

5) That, as per records, Sh.Asif Ahmed S/o Noor Mohammad filed an application form for claiming compensation w.r.t property no.B-231, Gali no. 14, Main 25 foota road, phase 10, Shiv Vihar, Karawal Nagar and the duly authorized team given a observation of **no looting** w.r.t claim of applicant and thus the application got rejected. So, the applicant had given wrong details and deposing falsely on affidavit. In fact, the applicant was not found entitled as per scheme of GNCT, Delhi and observation given by inspection team. **(The document prepared by such team w.r.t claim of applicant is annexure B)**

6) However, the respondent no.3 cannot comment as to whether applicant is entitled to claim compensation from respondent no. 1 GNCT, Delhi and Respondent no.2 Union of India in such circumstances and factual position .The hon'ble court may pass necessary order as it deem appropriate.

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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