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

+ **W.P.(C) 8669/2024**

DEEPAK KATARIA AND ORS

..... Petitioners

Through: Mr. Kuldeep Kumar, Advocate

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms. Avshreya Pratap Singh Ruby,
SPC and Ms. Usha Jamnal, Advocates
for R-1 & R-2

Ms. Shobhana Takiar, Standing
Counsel for R-3/DDA

Mr. Anuj Chaturvedi, Advocate with
Mr. Prakash Deep, Legal Asstt for
DUSIB/R-4

Mr. Tushar Sannu and Mr. Hardik
Saxena, Advocates along with
Mr. Harpal Singh, Inspector, P.S.
Defence Colony for R-5 to 7

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% **21.06.2024**

CM APPL. 35453/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 8669/2024 & CM APPL. 35452/2024 (Stay)

3. The present petition is filed under Article 226 of the Constitution for seeking directions for not demolishing the Rajiv Gandhi Camp, Sadiq Nagar, Sirifort Road, New Delhi till the relocation of the petitioners as per



the mandate of Articles 14 and 21 of the Constitution. The petitioners have made the following prayer:-

- a) Issue a writ, order or direction in the nature of mandamus directing the respondents 1 to 4 for conducting the survey in view of giving the alternative accommodation and further to provide alternative accommodation/place for all the residents of "Rajiv Gandhi Camp", Sadiq Nagar, Sirifort Road, New Delhi, in the interest of justice by following the Rajeev Awas Yojana and in compliance of various judgments, passed by the Hon'ble Supreme Court of India;
- b) Issue a writ, order or direction in the nature of mandamus directing the respondents no. 1 to 4 for giving the alternative accommodation or to settle the petitioners on the same place/nearby considering the scope and object of MPD 2021 and the law laid down in various judgments
- c) Issue a writ, order or direction in the nature of mandamus directing the respondents 1 to 7 to not to demolish "Rajiv Gandhi Camp", Sadiq Nagar, Sirifort Road, New Delhi, until and unless their relocation, in pursuance of the Delhi Laws Ordinance (Special Provision) Act, 2011 which is applicable till 31st of Dec. 2026 of Dec. 2026 as mentioned herein above, in pursuance of MPD 2021 and in pursuance of judgment of Division Bench in Sudama Singh & ors. Vs. Govt. of Delhi & Anr.
- d) Issue a writ, order or direction in the nature of mandamus directing the respondents 5 to 7 to not to interfere in the peaceful possession of the petitioners in any manner and to maintain status-quo qua the petitioners.
- f) Issue any other appropriate 'Writ' order or direction are deemed fit and proper in the facts and circumstances of the case of to meet the ends of the justice.

4. The counsel for the petitioners stated that at present, the respondents



no. 5 to 7 have threatened to demolish the Juggi Jhopri area known as Harijan Camp, Mehar Chand, Lodhi Road, New Delhi without any proper relocation which is against the mandate of **Sudama Singh & Ors. V Govt. Of Delhi & Anr.**

5. The counsel appearing on behalf of the respondents no. 1 and 2 stated that as per the instructions, no proposal is pending before the respondent no. 2 to carry out the demolition as on date.

6. Mr. Tushar Sannu, Advocate appearing on behalf of the respondents no. 5 to 7 stated that the respondents no. 5 to 7 have never threatened the petitioners for demolition and to dislocate the petitioners from the Rajiv Gandhi Camp, Sadiq Nagar, Sirifort Road, New Delhi and if any action is taken, that should be taken in accordance with law.

7. In view of the submissions made on behalf of the respondents no. 1 and 2, the counsel for the petitioners seek permission to withdraw the present petition with the liberty to initiate appropriate legal proceedings in altered circumstances. The liberty as prayed for is granted.

8. The present petition along with pending application, if any, is allowed to be dismissed as withdrawn.

DR. SUDHIR KUMAR JAIN
(VACATION JUDGE)

JUNE 21, 2024
sk/hvk