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

+ **W.P.(C) 7664/2023**

PRIYANKA GANDHI CAMP ADHIKAR MANCH

..... Petitioner

Through: Ms. Kawal Preet Kaur and Mr. Vinod
Kumar Singh, Advocates

versus

NATIONAL DISASTER RESPONSE FORCE AND ORS

..... Respondent

Through: Mr. Chetan Sharma, ASG and Mr.
Kirtiman Singh, CGSC, Mr. Amit
Gupta, Mr. Saurabh Tripathi, Mr.
Vikramaditya Singh and Ms. Shreya
Mehra, Advocates for UOI.

Mr. Parvinder Chauhan and Ms.
Aakriti Garg, Advocates for R-
3/DUSIB.

Mr. Rishikesh Kumar, ASC with Ms.
Shinu Priya, Mr. Mohd Zaid, Mr.
Sumit Choudhary and Ms. Roshni
Haldhar Das, Advocates for R-4 & 5.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

30.05.2023

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[The proceeding has been conducted through Hybrid mode]

The matter has been received on transfer on urgent mentioning

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1. Exemption allowed subject to all just exceptions.

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2. The application stands disposed of.

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3. The petitioners challenge the notice dated 19.05.2023 issued by the Headquarters, National Disaster Response Force (for short “NDRF”) directing the petitioners residing in Priyanka Gandhi Camp, at a site which was allotted to the NDRF by the Ministry of Housing and Urban Affairs for constructing its Headquarters, to vacate the illegal occupation of the said land.

4. Ms. Kawal Preet Kaur, learned counsel appearing for the petitioners submits that the petitioners were residents of this colony and have been residing there for the past three decades. She also submits that this camp is forming part of the 82 JJ Colonies which are falling within the additional list of colonies, which are yet to be recognized by the DUSIB.

5. Ms. Kaur, learned counsel submits that apart from the 82 colonies which are in the additional list, there is a list of 675 colonies which are within the purview of the Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015. Mr. Kaur also submits that the DUSIB is yet to consider the status of 82 colonies as to whether they are entitled for rehabilitation and relocation, as per the 2015 policy of DUSIB.

6. Ms. Kaur also submits that having regard to the fact that the NDRF is now seeking to vacate the slum clusters occupied by the petitioners, the 69 families who are before this Court shall be rendered homeless. Mr. Kaur also submits that there is an apprehension that DUSIB may withdraw the additional list of 82 colonies, which were to be considered by the DUSIB for the purposes of relocation as per the policy of 2015. He submits that in case such withdrawal takes place, the petitioners before this Court would be left



high and dry and without any shelter.

7. Mr. Chetan Sharma, learned ASG appears for the respondent/NDRF and submits that NDRF is merely an allottee of the land and keeping in view the urgency in respect of the national security, there cannot be brooked any delay of getting the site vacated for construction of Headquarters of NDRF. Learned ASG submits that the land was allotted way back in 06.01.2020 and the NDRF is functioning, as of now, from a leased property paying almost Rs.23 Crores per year.

8. Learned ASG also further submits that there is no such rehabilitation or resettlement policy with the NDRF which may be availed of by the petitioners in any case.

9. Further, learned ASG refers to the letter at page 50 whereby the NDRF has also informed the petitioners that they are entitled to night shelters and other resettlement areas available with the DUSIB.

10. Mr. Parvinder Chauhan, learned counsel appears for the DUSIB and submits that no doubt that 675 colonies are on the verified list of DUSIB which are eligible for the rehabilitation and relocation policy as per the 2015 policy. However, the 82 colonies referred to by Ms. Kaur are only on the additional list however, there can be no doubt that the petitioners do not have vested rights for such policy to be extended to them.

11. Mr. Chauhan submits that so far as the temporary accommodation is concerned, they are under legal obligation in any case to provide such shelter/night shelters to the citizens of Delhi.

12. Learned counsel also submits, by referring to the rehabilitation policy, that the first step for a JJ cluster to become eligible, is the condition that they ought to have been in existence prior to 01.01.2006. He submits that all



those clusters which form part of list of 82 additional colonies are from the period beyond 01.01.2006. On that basis, Mr. Chauhan submits that they are, in any case, even otherwise not eligible for consideration.

13. This Court has considered the submissions of learned counsel as well as learned ASG.

14. Keeping in view the fact that the notice issued by the NDRF is to be put into force from 02.06.2023, it is deemed appropriate to direct DUSIB to provide immediate temporary shelters to all the 69 families who are petitioners before this Court. The movement from the existing clusters to the shelters will be assisted by the DUSIB free of costs.

15. So far as the eligibility of the petitioner in respect of the policy of 2015 is concerned, the DUSIB shall consider the present petition as a representation and resolve the issue within two weeks from today.

16. The DDA, on its part, is directed to participate with the DUSIB in order to formulate or atleast assist in formulating a streamlined manner of verification so as to ensure that the DUSIB is able to bring out or include the petitioners within the Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015, in case the petitioners are able to establish that they are entitled for such extension of rehabilitation policy. So long as the procedure is not completed, the petitioners shall not be removed from the temporary shelters provided by DUSIB.

17. Issue notice. Notice accepted on behalf of respective respondents.

18. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within four weeks, thereafter.

19. Keeping in view the peculiar circumstances, as a one time measure only, the costs of shifting 69 families from the existing place to the



temporary shelters will be borne by the DUSIB.

20. The notice of demolition dated 19.05.2023 which was enforceable on 02.06.2023, be extended to 15.06.2023.

21. List before the roster bench for consideration on 08.08.2023.

TUSHAR RAO GEDELA, J

MAY 30, 2023

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