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

+ **W.P.(C) 1386/2023 & CM APPLs.5172-73/2023**

KASH RAM & ORS.

..... Petitioner

Through: Mr. Paul Kumar Kalai, Mr. Jepy Chisho and Mr. Kaoliang Poukamei, Advocates (M: 8376813694).

versus

PUBLIC WORKS DEPARTMENT, GNCTD & ORS Respondents

Through: Ms. Sanjana Nangia, Advocate for Mr. Sameer Vashisht, ASC GNCTD (M: 8287936603).

Mr. Parvinder Chauhan, Standing Counsel for DUSIB. (M: 9868102274)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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02.02.2023

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the 19 *Jhuggi* dwellers who are living in the Dhaula Kuan area, for protection against the demolition notices which have been issued on 28th January, 2023 by the office of the Executive Engineer, PWD South West Road. The Petitioners rely upon an order passed in a similar writ petition being *Writ Petition Civil 412/2023* titled '*Soniya Devi and Others v. Public Works Department and Others*' dated 13th January, 2023.
3. It is submitted by Id. counsel for the Petitioners that there are a large number of families who have children giving their exams till 20th February, 2023. It is thus prayed that the Court may take a compassionate view of the



matter.

4. Ld. counsel for the PWD also submits that the demolition was postponed by this Court in terms of the order dated 13th January, 2023 ***Writ Petition Civil 412/2023*** and similar conditions may be imposed in the present petition as well.

5. On behalf of the Petitioners, who are represented by same Counsels both in ***Writ Petition Civil 412/2023*** and today's writ petition, it is undertaken that the dwellers of the said *jhuggis* would not cause any obstructions whatsoever in the demolition, removal or eviction proceedings which may be undertaken by the PWD after 21st February, 2023.

6. Considering the fact that the Petitioners are similarly placed, the said order dated 13th January, 2023 in ***Writ Petition Civil 412/2023*** shall also apply *qua* the Petitioners. Pursuant to the order passed in the said case, ld. counsel for PWD submits that it has already identified the temporary shelter in Dwarka Shelter Home, Sector- 3, Phase-3, Residence Delhi Public School, Matiala, Delhi- 110078.

7. The above statements are taken on record. Considering the winter conditions and the children's examinations which are stated to be underway, the Petitioners shall not be evicted and their *jhuggis* shall not be demolished till they are able to shift to the identified location with the necessary arrangements being made.

8. Accordingly, it is directed as under: -

- i) The arrangements at the identified temporary relocation site shall be made immediately.
- ii) Upon the said arrangements being made, the Petitioners shall shift their belongings to the newly created temporary shelters.



iv) If the Petitioners wish to seek alternate rehabilitation from the Delhi Urban Shelter Improvement Board (DUSIB), they are free to approach the DUSIB and file the necessary applications in terms of Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 (*hereinafter, 'the Policy'*) as also the DUSIB Act, 2010. Upon the said applications to the DUSIB for relocation being made, the same shall be processed and rehabilitation in terms of the Policy shall be considered, if the prescribed conditions are satisfied by the Petitioners.

9. In terms of the above order, the demolition action shall commence w.e.f. 21st February, 2023.

10. Thus, all the residents of the *jhuggis* who are parties to this petition as also to Writ Petition 412/2023 shall be bound by the above orders.

11. With these above orders, the present petition with all pending applications, if any, is disposed of.

PRAITHIBA M. SINGH, J.

FEBRUARY 2, 2023
MR/Am