

ITEM NO.26

COURT NO.14

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No. 55/2003

E.R. KUMAR & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP AT 3.30 P.M.]

IA No. 1/2014 - APPLICATION FOR IMPEADMENT

IA No. 174070/2018 - APPLICATION FOR PERMISSION

IA No. 163328/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 47181/2023 - EXEMPTION FROM FILING O.T.

IA No. 42194/2023 - EXEMPTION FROM FILING O.T.

IA No. 195428/2022 - EXEMPTION FROM FILING O.T.

IA No. 184603/2022 - EXEMPTION FROM FILING O.T.

IA No. 181960/2022 - EXEMPTION FROM FILING O.T.

IA No. 179243/2022 - EXEMPTION FROM FILING O.T.)

WITH

W.P. (C) No. 413/2020 (PIL-W)

(ALONGWITH RECORD/PAPERS OF W.P(C) NO 55/2003

IA No. 76436/2020 - AMENDMENT OF THE PETITION

IA No. 40224/2020 - EX-PARTE STAY

IA No. 40222/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P. (C) No. 572/2003 (PIL-W)

(IA 1/2003 FOR INTERIM DIRECTIONS)

Date : 28-03-2023 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE DIPANKAR DATTA

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UPON hearing the counsel the Court made the following
O R D E R

Pursuant to this Court's order the Delhi Urban Shelter Improvement Board (hereinafter referred to as "DUSIB") has filed an affidavit.

We have heard learned counsel for the parties.

The materials on record disclose that the applicants had approached the Court when one temporary night shelter at Sarai Kale Khan (Code No. 235) was dismantled/demolished. The DUSIB contends that three other temporary shelters (Code Nos. 251, 254 and 255) exist in the vicinity and can accommodate those who were seeking shelter in the facility at Code No. 235. This aspect is contested by the applicant. The DUSIB has demolished eight more temporary shelters during the pendency of these proceedings.

It appears that the DUSIB and the authorities have no proposal to put up any fresh shelters instead of those demolished rather the contention of the DUSIB is that there is sufficient

capacity in other permanent shelters, as there are vacancies.

The Committee appointed by this Court chaired by Mr. Justice Kailash Gambhir (Retd.) had after a detailed inspection of various night shelters (both permanent and temporary) observed that basic facilities such as blankets, sheets, mattresses, drinking water, sufficient lockers, lights, provision for complaints, vector control, proper ventilation provision, first aid kits, pillows, facility of kitchen and display board. In such circumstances, the reasons for the vacancy position in the permanent shelter is not far to seek.

It is pointed out that as on date there are three temporary shelters, located at Geeta Ghat, which cater to certain special categories of homeless such as individuals afflicted with Tuberculosis (T.B.), Orthopedically disabled and persons with mental health conditions.

Having regard to these circumstances, the DUSIB, the Delhi Police, Delhi Development Authority (DDA) and all other authorities in the State of NCT of Delhi are hereby directed not to demolish the three shelters, operating presently at Geeta Ghat and any other temporary shelter, without approaching this Court.

The DUSIB is also directed to present a plan to this Court within the next six weeks about the creation of alternative shelters instead of those demolished at the behest of the Delhi Police, DDA or any other agency.

State Level Committee shall inspect all the facilities in Delhi and present its report. The Committee shall in the first

instance inspect the following permanent shelters and the others,
later:

1. Katra Maula Bux, Roshanara Road;
2. Phool Mandi Building, Mori Gate;
3. 759/1, Chabi Ganj Community Center;
4. Ganda Nallah (1st Floor) MCD Community Centre, Kashmiri Gate;
5. Priyadarshni Colony, Yamuna Bazar;
6. Kabir Basti, Malka Ganj;
7. Fatehpuri Old Delhi Railway Station;
8. Priyadarshni Colony, Yamuna Bazar and
9. 1st Floor Community Hall Sarai Phoosh.

List on 09.05.2023.

(NEETA SAPRA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)