

ITEM NO.41+4

Court 3 (Video Conferencing)

SECTION IV-B

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 23559/2021

(Arising out of impugned final judgment and order dated 28-09-2021 in WPC No. 19647/2021 passed by the High Court Of Punjab & Haryana At Chandigarh)

DEEPAK SHARMA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP ALONGWITH DIARY NO. 19714/2021] )

WITH

Diary No(s). 19714/2021

Date : 22-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.

Ms. Anupradha Singh, Adv.

Ms. Kawalpreet Kaur, Adv.

Mr. Haider Ali, adv.

Ms. Hetvi Patel, Adv.

Ms. Amiy Shukla, AOR

Mr. Satya Mitra, AOR

For Respondent(s)

Mr. Tushar Mehta, SG

Mr. K. M. Natraj, ASG

Mr. Akshay Amritanshu, Adv.

Ms. Sanskriti Pathak, Adv,

Mr. Varun Chaugh, Adv.

Ms. Kanu Agarwal, Adv.

Mr. S.K. Singhania, Adv.

Mr. Vikas Bansal, Adv.

Mr. Vatsal Joshi, Adv.

Mr. S. Subramaniam, Adv.

Mr. Amrish Kumar, AOR

Mr. Tushar Mehta, SG

Mr. Kanu Agarwal, Adv.  
Ms. Deepanwita Priyanka, AOR

Mr. Munawwar Naseem, AOR  
Mr. Dhaval Nanavati, Adv.  
Mrs. Ruchi Khurana, Adv.  
Ms. Sanjna Dua, Adv.

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

Heard Mr. Colin Gonsalves, learned senior counsel appearing for the petitioners and Mr. K.M. Natraj, learned Additional Solicitor General appearing for the Ministry of Railways.

It is brought to our notice that in some other proceedings before the Delhi High Court, Railways had given assurance to the Delhi High Court that rehabilitation policy propounded by the Delhi Government would be adopted by the Railways, as can be discerned from the decision reported in Ajay Maken & Ors. vs. Union of India reported in 2019 SCC Online Delhi 7618. Not only that, Mr. Tushar Mehta, learned Solicitor General appearing for the Ministry of Railways in W.P.(C) No. 13029 of 1985 before this Court gave assurance on 14.09.2020 that necessary rehabilitation plan would be framed shortly.

On the other hand, the stand taken on behalf of the

Railways before the Gujarat High Court and Punjab and Haryana High Court is completely contrary to that position. In that, it was urged that Railways do not have any policy of rehabilitation.

We call upon the Secretary, Ministry of Railways to explain this conflicting position taken on behalf of the Ministry of Railway before different forums, including the Supreme Court of India.

Let that affidavit be filed within one week from today through email.

List these matters on 29.11.2021.

In addition, the affidavit must disclose the timeline within which the rehabilitation programme will be taken forward, especially in respect of the section which needs to be urgently connected with the remaining project already completed, being 2.65 kilometer only which may affect only about seven Bastis as informed by the learned senior counsel appearing for the petitioner.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)