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

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**W.P.(C) 5822/2021 & CM APPL. 18254/2021**

**DHOBHI GHAT JHUGGI ADHIKAR MANCH** .....Petitioner  
Through: Ms. Kawalpreet Kaur and Mr. Haider  
Ali, Advocates.

versus

**DELHI DEVELOPMENT AUTHORITY AND ORS.....** Respondents  
Through: Ms Prabhsahay Kaur, SC for DDA/R-  
1.  
Mr Parvinder Chauhan, SC for  
DUSIB/R-2 with Mr Nitin Jain,  
Advocate.  
Mr Rizwan, Advocate for GNCTD/R-  
3.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

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**04.06.2021**

The hearing was conducted through video conferencing.

1. Apropos the rights of members of the petitioner-Union to stay on the land, the respective parties reserve their rights to address arguments. Presently, however, the issue which requires attention is the living circumstances of the members of the petitioner-Union – their homes have been demolished and they are living in the most deplorable conditions without any sanitation, water supply or other amenities which are necessary for a respectable human existence. It is for the State to ensure that some arrangements are made before the rain sets in and that measures towards betterment of health and hygiene standards are implemented, especially in view of the current

pandemic. [WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

2. The learned Standing Counsel for the DDA submits that the cut-off date for eligibility for rehabilitation is 01.01.2006 and that members of the petitioner-Union were not residing in the land before the said date; that they are subsequent encroachers on the DDA's land and consequently, have no right to rehabilitation. However, the learned counsel for the petitioner, submits that as per the DUSIB's policy, the Delhi Slums and JJ Rehabilitation and Relocation Policy, 2015, no demolition of a JJ Basti in existence prior to 01.01.2015 (Annexure P-2, PDF p.56) is to be carried out by any land-owning agency without providing alternate rehabilitation to the evictees.
3. Surely, the DDA must have some records apropos the status of the land at the time of the demolition and on the cut-off date, by way of physical survey and site panoramic and street photographs, satellite pictures and/or photographs taken a drone-mounted cameras. The demolition was taken recently and DDA is expected to have used the latter technology for securing the record and data. In any case, before demolition, the DDA would have carried out its own survey and/or video-graphed of the area, so as to keep a record of the persons who claim to have been there prior to 2006. To simply say that none of the petitioners were on its land prior to the cut-off date is a bald and unacceptable submission. Members of the petitioner-Union claim to have been residing in the area since 1999.
4. The learned counsel for the petitioner submits that proof of their residence on the land prior to the cut-off date is available by way of ration cards, school certificates of some of the school-going children

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and other documents issued by statutory authorities. The learned counsel for the petitioner seeks and is granted two weeks' time to bring the aforesaid supporting documents on record.

5. The pressing need of the day is rehabilitation of members of the petitioner-Union. Presently, they are residing under tarpaulin sheets.
6. The learned Standing Counsel for DUSIB submits that he was unable to take full instructions because the officers were engaged in pandemic related duties. He requests that the matter may be listed in the summer vacations. He further states that rehabilitation of members of the petitioner-Union would require payments by the land-owning agency, that under the extant policy, DDA would have to provide due essential services, facilities and rehabilitation to the petitioners. He submits that the DUSIB does not have any jurisdiction over DDA's lands.
7. While their right to rehabilitation is yet to be determined, members of the petitioner-Union cannot be left on the streets to fend for themselves, finding themselves evicted from a place where they claim to have been living for the past two decades. In the circumstances, due arrangements must be made immediately.
8. Let the GNCTD/DUSIB make necessary arrangements and the costs of the same will be reimbursed by the DDA, subject to furnishing of expenditure costs/bills by the State/DUSIB. The DDA will liable for the rehabilitation of the person who were uprooted/evicted, if its proven that they were residents on the land, prior to the cut-off date of 1<sup>st</sup> January 2006.
9. Let the Deputy Commissioner (South)/Deputy Magistrate concerned

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arrange for the requisite numbers of toilets for the displaced persons and ensure that there is no water logging in the area where the evictees are presently residing. Other facilities that may be necessary, including medical facilities and putting up of residential accommodation/temporary tents, etc., shall also be set up. Let the said arrangements be made on or before Tuesday, 08.06.2021. An affidavit, along with photographs, be filed on or before 08.06.2021.

10. In view of the urgency of the matter and the need for provision of immediate essential services and rehabilitation of the residents of the evictees, at request, list this matter before the Vacation Bench on 09.06.2021.

11. The learned Standing Counsel for the DDA seeks and is granted four weeks' time to file a counter affidavit/reply, along with the relevant records, videograph, satellite pictures, which it may have. Rejoinder thereto, if any, be filed on or before 22.07.2021, on which date the case shall be subsequently listed.

12. The order be uploaded on the website forthwith.

**NAJMI WAZIRI, J**

**JUNE 04, 2021/rd**