

BEFORE THE HON'BLE HIGH COURT OF DELHI

[CIVIL ORIGINAL JURISDICTION]

WRIT PETITION(CIVIL)NO. _____ OF 2020

[UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA]

PUBLIC INTEREST LITIGATION

IN THE MATTER OF PUBLIC INTEREST LITIGATION:

1. ADITYA YADAV

2. SAKSHI ARORAPETITIONERS-IN-PERSON

VERSUS

1.GOVT. OF NCT OF DELHI,

2. UNION OF INDIARESPONDENTS

**PUBLIC INTEREST LITIGATION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE
NATURE OF MANDAMUS DIRECTING THE RESPONDENT TO
FORMULATE AN APPROPRIATE SCHEME TO SUPPORT THE
STUDENTS LIVING IN THE STATE TO EXEMPT FROM PAYING RENT
OF THE VACANT ACCOMMODATIONS**

TO,

THE HON'BLE CHIEF JUSTICE AND
HIS OTHER COMPANION JUSTICE OF
HIGH COURT OF DELHI

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH THAT:

1. That following are the details of petitioners which are required to disclose in the petition as per the Delhi High Court (Public Interest Litigation) rules notification No. 451/Rules/DHC :

- a) The petitioners are citizens of India and are students of Faculty of Law, University of Delhi.
- b) That cause of action for filing present writ petition under Article 226 of Constitution of India is that in the wake of the widespread of COVID19. The lockdown due to the COVID 19, was declared by 21 of March 2020 by the government of India and due to the said lockdown most of the students migrated back to their hometowns and some of them are stuck in the rented properties. Since there is no source of income for the students and also it is creating a burden for their parents to pay rent for vacated property and not even usable for last more than one and half months. The present petition is filed to urge grievances and hardship caused to the students in the state due to the COVID-19 and unavoidable lockdown that is being pursuant to the ongoing epidemic situation in India.
- c) It is further submitted that the Government of India, without any concerns or support scheme for the students declared the lockdown on 25th March 2020 and was again extended on 14th April 2020 till 3rd May 2020. No specific steps were taken by the Govt of India and Govt of Delhi in order to extend any help or support to the students.
- d) Most of the students come to the state for studying at Universities or for Coaching of various competitive exams. As per the directions of Lockdown (**ANNEXURE P-1**) all the University premises and all other educational institutes are closed. The very purpose of staying is negated and that's why majority of students left out for their hometowns. It is pertinent to mention here that

parents of many of them have sent them here for preparation or education with their hard earned money. Also, considering the situation of those who worked as daily wage workers or in private sector had been affected the worst. Hence, in the circumstances it will not be proper in the part of any student to pay the respective rent for the tenancy period when the lockdown was continuing.

- e) It is submitted that the Govt. of India and Govt. of Delhi formulated many schemes to support migrant workers and daily wage labourers and also to many other professionals. But failed to cover this aspect of student life. They were given relaxation time and landlords were asked not to ask for rent for the one month (**ANNEXURE P-2**) but the problem is still persisting as they have to now pay 2 months rent after this lockdown ends. As the Lockdown was extended for 19 days on 14.04.2020 (**ANNEXURE P-3**) till 03.05.2020. The lockdown ends on 3rd of the May, Most of the landlord will be asked to pay the rent for their PG, flats and other accommodations on first of the month and there is no specific notification in this regard.
- f) The Petitioners herein have no vested interest or ulterior motive in filing the present Petition, and the same has only been filed to secure larger public interest. The Petitioners are not guided by self-gain or for gain of any other person/institution/body. Further, the Petitioners are approaching this Hon'ble Court with clean hands and sole intention of addressing the larger public concern to secure the fundamental rights which include right to life.

- g) That the Petitioners are not involved in any criminal, civil, revenue, or any other litigation that has any legal nexus with the issues involved in the present public interest litigation.
2. That the source of knowledge of the facts of present petition is through the people actually suffering directly and conversation of the petitioners with aggrieved persons. The petitioners are living in student's area and are well aware of the issues faced by the students of the state.
 3. That the present petition is in general interest of the students who are unable to pay their rent due to lockdown. As many of the students take tuitions, part time jobs etc to fulfil their daily needs and this lockdown had snuffed out their opportunity to earn and pay rents. Since the present petition is in the specific interest of the students who cannot by themselves approach this Hon'ble Court and thus, the present public interest litigation has been moved by the petitioners herein.
 4. That the Respondents No. 1 and 2 are the affected parties in view of the prayers sought in the present petition. That no other party is going to be affected by the present petition other than the Respondents in the present petition.
 5. That the petitioners are also students of Faculty of Law, University of Delhi and sympathiser of the rights and concerns of the students of the state. As the petitioners have previous experience of filing a PIL, so many people knowing this fact approached the petitioners. Also the petitioners are well versed with the condition of the student living the part of state.
 6. The petitioners are students and has no source of income as such, however, ever if in case any cost is imposed on the petitioner by this Hon'ble court, the petitioners are capable of depositing the same to this Hon'ble court.

7. The petitioners herein have filed a meaningful Public Interest Litigation earlier before this Hon'ble Court. The details of the petition are given below in the tabular form

SL. NO	DETAILS OF THE PETITION	PRESENT STATUS
1	ADITYA YADAV AND ANR. Vs. UNIVERISTY OF DELHI Advocate : ADITYA YADAV W.P.(C) 6847/2019 [DISPOSED OFF]	Court No. : 1 DISPOSED OFF on 11/09/2019

8. That the present PIL is confined only to the issues of general public interests and Petitioner have no personal interests.

BRIEF FACTS OF THE CASE

9. The facts and circumstances leading to the filing of this Writ Petition is as under:
- A) On 31.12.2019, Chinese Health officials informed the World Health Organisation (shortly WHO) about a cluster of 41 patients with a mysterious pneumonia. Shortly after, Chinese authorities identified the virus that caused the pneumonia-like illness as a new type of coronavirus. And in about 2 months, the death caused by novel corona virus in China surpassed 774.
 - B) Subsequently, global outbreak of COVID-19 began and cases appeared in Europe, Iran, South Korea and other regions of the around the world. On 11.03.2020, WHO declared COVID-19 outbreak a pandemic.
 - C) That, the entire world is facing the problem of Novel Coronavirus (COVID-19), and as many as 196 countries, about 26,54,209 people affected and 1,85,062 deaths took place till 23.04.2020 (15:56 IST) as per the information available on the official website of World Health Organization (WHO). In India also the situation of Novel Coronavirus

(COVID-19) is alarming and till 23.04.2020 there are 21,797 confirmed case in India reported and 681 death happened.

- D) It is submitted that Government of India due to the pandemic unprecedentedly declared a lockdown on 22nd of March 2020 (ANNEXURE P-1) pursuant to that no specific steps to waive off and support students of the state were taken by the government of Delhi to extend any help to support to the needy students. There are millions of students in the state who are living in rented accommodation and many of them manage their financial spreadsheets by giving tuitions, doing part time jobs etc to enhance their earnings and to fulfil the requirements of living in the city. After the declaration of lockdown, they lost the opportunity to profess their profession freely and due to which many of the students and also their parents have no income for this period. Also, the rent of the accommodation which has major share in the expenses of the month is creating a burden on their lives. As stated in the Part III of the Constitution of India, Right to live with dignity is a fundamental right and in such situation if the students are asked to pay rents and vacate the premises after the lockdown ends, it will be violation of their fundamental rights and will affect the constitutional guarantee given under Part III of the Constitution of India.
- E) It is submitted that the Government of other states have formulated many beneficial schemes for the tenants. But Government of Delhi had not considered hardships that are being faced by the students and no such order or notification is released on this part. Their is just a verbal declaration of assurance which is not enforceable and cannot be taken as a plea by the students in front of Landlords.

- F) It is submitted that the Government of India (GOI) Ministry of Home Affairs (MHA) vide its order dated 29.03.2020 (**ANNEXURE P-2**) directed to all the landlords to not to collect rent from labourers and student for one month but it doesn't makes it clear that whether it is waiving off the rent for the month or just postponed the date of paying rent. It needs to be cleared by the Government of India and also the notification should be again released with amending this period to 15 days after the lockdown. As if the students have to pay the rent after one or two or when the lockdown ends, they should be given an opportunity to pay the rent 15 days after the lockdown ends.
- G) It is further submitted that even after the release of notification of MHA, GOI there is no specific official release by Govt. of Delhi.
- H) It is submitted that in absence of any relief scheme by Government, the students will be left with no options but to pay the rent as per the agreement, even when they didn't used the accommodation premises at all. As there is no clause of non payment of rent in such extraordinary situations in most of the rent agreements. If the tenant had this clause, it would be easy to invoke this by sending a letter, but in absence of this they are to be forced to make payments.
- I) It is submitted that unless the Government issues any relaxation order from payment or law declared by this Hon'ble Court for waiver of the rental accommodations during this period would be the only solution.
- J) The Petitioners herein have no vested interest or ulterior motive in filing the present Petition, and the same has only been filed to secure larger public interest. The Petitioners are not guided by self-gain or for gain of any other person/institution/body. Further, the Petitioner is approaching this Hon'ble Court with clean hands and sole intention of addressing the

larger public concern to secure the fundamental rights which include right to life.

GROUND

10. The Petitioners herein are approaching this Hon'ble Court under Article 226 of the Constitution of India, on the following grounds inter alia-
 - A. Because, Article 21 of Constitution of India guaranteed the Right to Life to every citizen and it is the duty of the State to ensure the same.
 - B. Because, the Government of India due to the pandemic without any consultation with any of the professional associations declare a lockdown on 21st of May 2020.
 - C. Because, no specific steps were taken by the government of India to extend any help to support to the students of the country who lives in rented apartments. Rent of accommodation is one of the major expense of most of the students of the state and when they are left with no source of income.
 - D. Because most of the students are living in the state just for the study and nearby universities and coaching institute hubs such as Mukherjee Nagar, Rajender nagar and Many. Due to this lockdown all the Educational Institutes and universities were closed firstly till 14th April 2020 and later by 03rd May 2020.
 - E. Because most of them left for their hometown in the ongoing pandemic and temporarily vacated the rented property till the educational institutes and universities opens. If they are asked for the rent even on not using the property and without any of their fault. It will be a burden to most of them as many of them depends on money sent by parents(whose incomes are also negligible in many cases) and many of them make their own earnings and fulfil their requirement of expenses by tuitions, part time

jobs etc. The burden of the rent will cause them to vacate the property which will be violation to their fundamental right to life guaranteed under Part III of the Constitution.

- F. Because many of the states have formulated schemes for welfare of tenants in the extraordinary ongoing situation of pandemic caused by Corona Virus.
 - G. Because GOI vide its order dated 29.03.2020 made it punishable for landlords to ask rent for one month but it do not make it clear whether the rent for one month is waived off or it is mere suspension or postponement of paying of rent and the labourers and student would have to make payment of two months rent when the month is complete on 29.04.2020.
 - H. Because the petitioner and other similarly placed students have no other option left other than paying rent to perform the obligation of rent agreement, even when they didn't resided in the premises at all.
 - I. Because, unless the Government of Delhi issues any relaxation from payment or a law declared by this Hon'ble court for waiver or further postponement of rentals during this period would be the only solution.
11. That this Hon'ble Court has the jurisdiction to entertain and try this public interest litigation.
 12. That the Petitioner craves leave to alter, amend or add to this Petition.
 13. That the Petitioner seeks leave to rely on documents, a list of which, along with true typed copies has been annexed to this Petition.
 14. That this Petition has been made bona fide and in the interest of justice.
 15. That the Petitioner has not filed any other Petition before this Hon'ble Court or before any other Court seeking the same relief.

16. The petitioner seeks permission to exempt the attested / affirmed affidavit, hard / photocopies of paper books (3+1) of Writ Petition and deficit court fee (if any) in the prevailing circumstances as the matter is urgent and need urgent hearing. The petitioner is also agree for hearing of the present writ petition through video conferencing.

Aditya Yadav & Sakshi Arora
(Petitioners-in-Person)

DATED: 23.04.2020

PLACE: NEW DELHI



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VERSUS

1.GOV'T. OF NCT OF DELHI,

2. UNION OF INDIARESPONDENTS

PRAYER

In the facts and circumstances stated above, it is most humbly prayed that this Hon'ble Court may be pleased to issue appropriate writs, orders and directions as set out below:

- a) Issue a writ of mandamus, or any appropriate writ, order or direction to the Respondents to formulate appropriate scheme to support the student community for relaxation in paying the rent of the accommodations.
- b) Issue a writ of mandamus, or any appropriate writ, order or direction or delectation, that the students are are exempted from making monthly rental for the premises rented for accommodation purposes.
- c) Issue a writ of mandamus, or any appropriate writ, order or direction to the Respondents to issue an order or notification giving relaxation in paying rent for 15 days after the lockdown period ends.

- d) Pass any other order or relief as this Hon'ble Court may deem fit and proper under the circumstances of the present case in the interest of justice, equity, and good conscience.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Aditya Yadav & Sakshi Arora
(Petitioners-in-Person)

DATED: 23.04.2020

PLACE: NEW DELHI



BEFORE THE HON'BLE HIGH COURT OF DELHI

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VERSUS

1.GOVT. OF NCT OF DELHI,

2. UNION OF INDIARESPONDENTS

AFFIDAVIT

affirm and declare as under:

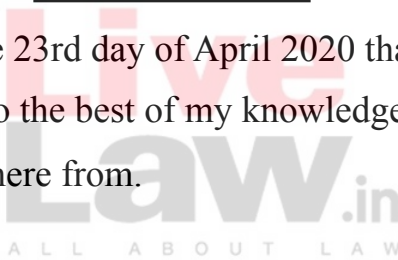
1. That I am the petitioner above named OR I am of the petitioner above named.
2. I have filed the present petition as a Public Interest Litigation.
3. I have gone through the Delhi High Court (public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.
4. I petitioner have/has no personal interest in the litigation and neither myself nor anybody in whom I am/petitioner is interested would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. This petition is not guided by self gain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition.

5. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present petition.
6. I further confirm that I have not concealed in. the present petition any data/ material /information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.

DEPONENT

VERIFICATION

Verified at New Delhi, this the 23rd day of April 2020 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.



DEPONENT

BEFORE THE HON'BLE HIGH COURT OF DELHI

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VERSUS

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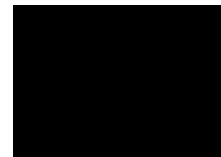
2. UNION OF INDIARESPONDENTS

AFFIDAVIT

I Sakshi Arora aged 23 years, s/o Sh. Hemant Arora do hereby solemnly affirm and declare as under:

1. That I am the petitioner above named OR I am of the petitioner above named.
2. I have filed the present petition as a Public Interest Litigation.
3. I have gone through the Delhi High Court (public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.
4. I petitioner have/has no personal interest in the litigation and neither myself nor anybody in whom I am/petitioner is interested would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. This petition is not guided by self gain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition.

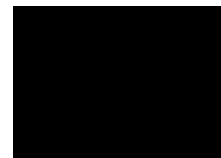
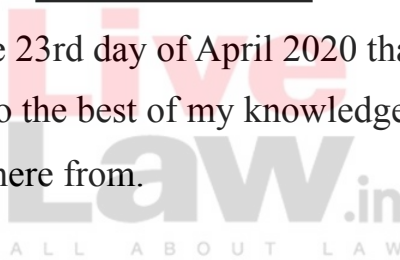
5. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present petition.
6. I further confirm that I have not concealed in the present petition any data/material /information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.



DEPONENT

VERIFICATION

Verified at New Delhi, this the 23rd day of April 2020 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.



DEPONENT