

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. NO. OF 2020

IN

Writ Petition (s) (Civil) No (s). 13029/1985

IN THE MATTER OF:

M.C. MEHTA

...Petitioner(s)

Versus

UNION OF INDIA & OTHERS

....Respondent (s)

AND

IN THE MATTER OF:

Baijanth Singh & Ors.

... Applicant(s)

APPLICATION FOR IMPLEADMENT

APPLICATION FOR SEEKING EXAMPTION FROM FILING
OFFICIAL TRANSLATE

PAPER BOOK

ADVOCATE ON RECORD FOR THE
IMPLEADERS/APPLICANTS: LUBNA NAAZ

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LUBNA NAAZ
Advocate-on-Record for Applicant

Filed On: 11.09.2020
NEW DELHI

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...Applicant(s)

1. Baijanth Singh

2. Hem Raj

3. Nab Sha Son of Habibull

4. Punni Bai

5. Mota Bai

6. Sita Devi

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7. Ram Kewal
8. Khurshida Begum
9. Anara Devi
10. Shabudin
11. Kamla Devi

Applicants

AN APPLICATION ON BEHALF OF THE INTERVENERS
SEEKING IMPLEADMENT AS NECESSARY PARTY

1. That the present application is being preferred seeking impleadment of the interveners as necessary party (Respondents) in the aforesaid Writ Petition (Civil) No(s) 13029 of 1985.
2. That all the 16 Impleaders are residents of the jhuggie jhopri (JJ) clusters existing in the close vicinity of railway tracks falling within the safety zone of the Railways.
3. That as per the Order dated 31.08.2020 of this Hon'ble Court in Writ Petition (Civil) No. 13029 of 1985, in response to the Report No. 111 submitted by the Environment Pollution (Prevention & Control) Authority (EPCA), report on piling up of waste/garbage by the sides of Railway tracks in Delhi in compliance of directions of the hon'ble court dt. 28.02.2020 was submitted. The Hon'ble Court directed all the stakeholders i.e. Railways, Govt. of NCT of Delhi,

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concerned Municipal Corporations and Delhi Urban Shelter Improvement Trust (DUSIB), to make and execute a comprehensive plan for removal of jhuggies in a phased manner and to remove the encroachments in the safety zones within a period of six months.

The copy of the order dated 31.08.2020 in Writ Petition (Civil) No. 13029 of 1985 of this Hon'ble Court has been annexed and marked as **Annexure A-1**. (Pg 14 to 31)

4. That the Impleaders are clearly covered by the said Order dated 31.08.2020 of this Hon'ble Court in Writ Petition (Civil) No. 13029 of 1985. That the impleaders have not been heard and have been affected by the said order as they are the residents of the JJ Clusters at Sarai Rohilla, Madrasi Camp and Indira Camp Kirti Nagar near Navhind school, Block 5C, New Rohtak Road falling under the safety zones of the Railways.
5. That a demand survey was being conducted by the Delhi Urban Shelter Improvement Board (DUSIB) for jhuggi jhopri

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(JJ) Clusters existing on the land of the DDA and Central Government undertaking in-situ re-development and rehabilitation which stopped because of the 2019 elections in Delhi.

6. That the parties will be adversely affected if they are not impleaded in the said writ petition as the DUSIB vide their Agenda Item No. 28/03 have started conducting survey of the said land for rehabilitation and re-development purposes.

The true copy of the Agenda Item No. 28/03 of DUSIB has been annexed and marked as **Annexure A-2**. (Pg **32** to **36**)

7. That in order to prevent the spread of COVID-19, Government of India has asked people to follow "stay at home" policy and yet, at the same time the impleaders are threatened with eviction from their homes.

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8. That the impleaders work in the markets and industrial areas near their residence. It will be very difficult for the impleaders to earn their livelihood if they are removed from the said area in these difficult and unprecedented times of the pandemic. That two letters were written to the Hon'ble Chief Justice of India in this regard.

The true copy of the letter dated 07.09.2020 written to Hon'ble CJI has been annexed and marked as **Annexure A-3. (Pg 37 to 38)**

The true copy of the letter dated 07.09.2020 written to Hon'ble CJI has been annexed and marked as **Annexure A-4. (Pg 39 to 40)**

9. That as per the Minutes of the 28th meeting of DUSIB, the DDA vide letter dated 23.10.2019 had requested the DUSIB to stop the work in the JJ clusters existing on the land belonging to the

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10. DDA and Govt. of India. Out of the total 196 JJ Clusters on the land of DUSIB, MCD and Govt. of NCT and its agencies, demand surveys of total 158 JJ clusters have been completed leaving 38 JJ Clusters.

The true copy of the minutes of the 28th meeting of DUSIB has been annexed and marked as **Annexure A-5**. Pg 41 to 43

11. That without the completion of the demand survey, the affected parties cannot be rehabilitated.

12. That the Director of the Railway Board vide letter dated 07.01.2016 stated that no demolition would be carried out by the Railways without joint notice by the representatives of DUSIB and Railways and without Rehabilitation plan for eligible JJ dwellers.

The true copy of the letter dated 07.01.2016 by the Director of Railways has been annexed and marked as **Annexure A-6**. (Pg 44 to 47)

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13. However, they will not get the benefit of the said Order if they are not party to the present proceedings as the benefit of the Order is limited to the parties present before this Hon'ble Court.

14. That, moreover, the United Nations Human Rights Special Procedures' COVID-19 Guidance Note categorically mentioned that the States must

"Declare an end to all evictions of anyone, anywhere for any reason until the end of the pandemic and for a reasonable period of time thereafter.... in conformity with their obligations under human rights law."

It also asked the states to *"Ensure that any evictions or foreclosures that were approved before the pandemic commenced are suspended."*

15. That the United Nations Human Rights Special Procedures' COVID-19 Guidance Note asked the States to *"Declare an*

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end to the forced eviction or displacement of informal settlements” and “Prohibit emergency processes, such as ‘de-densification’, that involve the forced removal of large numbers of people from informal settlements/encampments.”

16. That the Impleaders would suffer unnecessary hardship and would be denied their statutory and fundamental rights if the present Application is not allowed.
17. That the Impleaders pray for the leave of this Hon'ble Court to make additional submission during the course of hearing, if so required and if so permitted by this Hon'ble Court.
18. That the present Application has been made bona fide and in the interest of justice.

PRAYER

Under the aforesaid facts and circumstances, this Hon'ble Court would graciously be pleased to:

- a) Implead the Impleaders as Applicants in the captioned Writ Petition (Civil) No. 13029 of 1985;

b) Pass such other or further order/orders to meet the ends of
justice.

Filed by LUBNA NAAZ

Advocate-on-Record for Impleaders

Drawn By: Dr. Ragini Nayak & Lubna Naaz

Drawn On: 09.09.2020

Filed On: 11.09.2020

NEW DELHI