

ITEM NO.25+12+28 Court 3 (Video Conferencing)

SECTION III

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). 19714/2021

(Arising out of impugned final judgment and order dated 19-08-2021 in WPPIL No. 222/2014 passed by the High Court Of Gujarat At Ahmedabad)

UTRAN SE BESTHAN RAILWAY JHOPADPATTI VIKAS MANDAL Petitioner(s)

VERSUS

GOVERNMENT OF INDIA & ORS.

Respondent(s)

WITH

T.C. (C) No(s). 1/2022

Diary No(s). 23559/2021

Date : 18-02-2022 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. Kawalpreet Kaur, Adv.

Ms. Hetvi Patel, Adv.

Mr. Haider Ali, Adv.

Mr. Satya Mitra, AOR

Ms. Amiy Shukla, AOR

For Respondent(s)

Mr. Tushar Mehta, S.G.

MR. K.M.Natraj, Ld. ASG

Mr. Kanu Agrawal, Adv.

Mr. S.K. Singhania, Adv.

Mr. Vatsal Joshi, Adv.

Mr. Sanskrii Pathak, Adv.

Mr. Varun Chugh, Adv.

Mr. Akshay Amtrianshu, Adv.

Mr. Vikas Bansal, Adv.

Mr. Sughosh Subramanyam, Adv.

Mr. Amrish Kumar, AOR

Mr. Mukul Rohatgi, Adv.

Mr. Munawwar Naseem, AOR

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

Mr. Arun Bhardwaj, Sr. Adv.
Mr. Rahul Kumar Sharma, Adv.
Mr. Abhishek Sharma, Adv.
Ms. Gauraan, Adv.
Mr. Vishwa Pal Singh, AOR

Ms. Deepanwita Priyanka, AOR

Mr. Ejaz Maqbool, AOR

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

Heard learned counsel for the parties.

The first grievance of Mr. Colin Gonsalves is about the onerous condition insisted by the authorities while accepting the forms/application from eligible persons for grant of alternative accommodation. He submits that the authorities are insisting for deposit of Rs. 20,000/- (Rupees Twenty Thousand Only) at the initial stage itself and in most of the cases, the persons are not in a position to fulfill that requirement though desirous of getting alternative accommodation. Keeping that in mind, we direct the concerned authorities to accept the forms given by the affected persons for grant of alternative accommodation in lieu of their demolished residential house(s) on the railway property without insisting for deposit of Rs.20,000/- as pre-condition.

However, the authorities after processing the form, as per the applicable scheme, finds the applicant eligible for allotment of suitable residential accommodation may intimate the concerned person, who in turn must deposit the stated amount of Rs.20,000/- within three months from the receipt of such communication besides complying with other stipulations in the scheme, so that his/her application can be taken forward and allotment letter can be issued subject to verification of all other requirements/conditions as per the governing policy.

The status report filed by the Director, Land & Amenities, Railway Board, New Delhi mentions about the steps taken for removing the encroachment on the railway property, thus far.

It is mentioned in the status report that out of 40995 cases, 35814 cases pertain to Delhi Division of Northern Railway and the authorities are required to abide by the direction given by this Court in Writ Petition(C) No. 13029 of 1985 dated 14.09.2020. Even if the authorities are not in a position to take any further steps with regard to the encroachments on the railway property pertaining to Delhi Division of Northern

Railway, there is no reason why the authorities cannot proceed against the other encroachments referred to in the chart. If any encroachment is subject matter of Court proceedings, the appropriate authority must immediately invite attention of the concerned Court to the order passed by this Court on 16.12.2021 and 28.01.2022 and seek appropriate directions from the concerned Court to speed up the process of clearing the encroachments on the railway property which is affecting its new or expansion projects.

List these matters on 25.02.2022 for further direction.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)