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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 858/2024, CM APPL. 50194/2024 & CM APPL. 50195/2024
SAROJAppellant

Through: Mr. Talha Abdul Rahman, Mr. Adnan Yousuf, Mr. Shaz Khan, Mr. Rafid Akhter and Mr. Sudhanshu Tewari, Advocates

versus

DELHI DEVELOPMENT AUTHORITY AND ORS.....Respondents

Through: Mr. Sanjay Katyal, Standing Counsel for DDA.
Mr. Vikrant N Goyal and Mr. Rajat Srivastava, Advocates for R-3, 8 & 9.
Mr. Prashant Manchanda, ASC with Ms. Haridas Medha Dilip, Advocates for R-4 & 5.
Mr. Parvinder Chauhan, Standing Counsel for R-6 & 7/DUSIB.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

30.08.2024

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1. Present appeal has been filed challenging the interim order dated 28th August 2024 passed by the learned Single Judge in CM Appl. No. 49195 in W.P.(C) No. 10305/2024, whereby the said application was dismissed. The application had been filed by the appellant herein seeking directions to the respondents to maintain *status quo* of the subject property bearing No. JJ



Cluster No.585, Near NDMC Water Supply Control, Near Kalibari, Near RML Hospital, New Delhi and for seeking stay of the consequential demolition.

2. Learned counsel for the appellant states that appellant is a resident of the JJ Cluster and as per the Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015 (“DUSIB Policy”), she cannot be removed from her present place of residence unless she is rehabilitated in-situ. He further states that the notice of demolition dated 23rd August 2024 only provided four days to the residents to leave the subject property, which is insufficient. He also states that the decision of the respondent authorities to shift the appellant and other residents to Narela, which is approximately 35 kms. away from their present residence is contrary to the DUSIB Policy, inasmuch as the policy mandates in-situ rehabilitation.

3. *Per Contra*, learned counsel for the respondents states that the impugned order is only an interim order passed by the learned Single Judge. He further states that demolition action has already been carried out.

4. This Court finds that in the present appeal, the appellant is not being removed from her present residence without being rehabilitated. Moreover, the DUSIB Policy itself provides an exception to in-situ rehabilitation. The relevant portion of the same reads as under:

“(iii) In -situ rehabilitation

DUSIB shall provide alternate accommodation to those living in JJ Bastis, either on the same land or in the vicinity within a radius of 5 Km. In case of exceptional circumstances, it can be even beyond 5 Km with prior approval of the Board. The terms and conditions at which alternate accommodation will be provided and the eligibility conditions are being separately notified.”



5. Presently, owing to the expansion of the hospital already having started, the present case would fall in the exceptional circumstance, whereby relocation can happen beyond a radius of 5 km. This Court is of the view that the learned Single Judge has rightly held that at this stage of the petition, the timeline for the infrastructure project of expansion of RML hospital has started and in-situ rehabilitation is not possible.

6. It is pertinent to mention that in Delhi, land is scarce and hardly any land is available for rehabilitation and relocation of slum dwellers in Central Delhi, where the appellant (petitioner in the subject petition) had a *jhuggi*.

7. Keeping in view the aforesaid as well as the fact that the demolition has already been carried out, the present appeal is dismissed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 30, 2024

Aj