

Ashok Kumar vs.delhi Disaster Management Authority & Ors

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Court : Delhi

Decided On : Oct-31-2019

Appellant : Ashok Kumar

Respondent : Delhi Disaster Management Authority & Ors

Advocate for Def. : Mr. Devesh Singh, Ms. Sukriti Ghai

Judgement :

\$~32 * IN THE HIGH COURT OF DELHI AT NEW DELHI Date of decision:

31. t October, 2019 + W.P.(C) 11504/2019 and CM Nos.47280/2019 ASHOK KUMAR Through:

... Petitioner
in person

... Petitioner
versus DELHI DISASTER MANAGEMENT AUTHORITY & ORS

... RESPONDENTS

Through: Mr. Devesh Singh, ASC(Civil)- GNCTD with Ms. Sukriti Ghai, Advs. for R-1 to 5 SI Talib Khan from PS Neb Sarai CORAM: HON'BLE THE CHIEF JUSTICE HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

3110.2019 % D.N. PATEL, CHIEF JUSTICE (ORAL) W.P.(C) 11504/2019 1. This Public Interest Litigation has been preferred with the following prayers : (i) Issue an appropriate Writ, Order or Direction in the nature thereof to the Respondent No.1 for providing shelter, food, drinking water, healthcare and other essential reliefs for rehabilitation of the victims of the fire disaster took place on 27-10-2019 on the evening of the Diwali festival in jhuggis situated at Neb Sarai, New Delhi and also to pay W.P.(C) 11504/2019 Page 1 of 3 compensation to the victims of the disaster in accordance with the statutory provisions of the section 66 of the disaster management act; (ii) issue an appropriate writ, order or direction in the nature thereof to the respondent no.1 to take necessary steps for reconstruction of the necessary documents of the victims which includes the Identity/Adhar Cards, School Certificates of their children and also to provide the school books, school dress and other required needs; (iii) issue an, appropriate writ, order or direction in the nature thereof to the respondent nos.2 and 3 for taking necessary departmental action against the concerned police officers/officials of P.S.-Neb Sarai, South District, Delhi and Fire Department and the Respondent Nos.4 and 5 in accordance with the statutory provisions of the Section 66 of the Disaster Management Act, 2005 for their failure to perform their duties as per the Disaster Management Act, 2005 in regard to the fire incident took place on 27-10-2019 in the jhuggis at Neb Sarai, New Delhi. (iv) Issue such other or further appropriate Writ, Order or Direction as this Hon'ble Court may deem fit and proper, in the interest of justice. 2. Having heard petitioner in person and counsel for the Respondent Nos. 1 to 5, it appears that because of fire incident, which took place on 27th October, 2019 on the evening of Diwali festival in jhuggi cluster situated at Neb Sarai, New Delhi, the present petition has been preferred for compensation to the victims of the incident as per the Disaster Management Act, 2005. It is submitted by petitioner in person that a W.P.(C) 11504/2019 Page 2 of 3 representation dated 29th October, 2019 (Annexure P-3 to the memo of this writ petition) is pending before the Chairman, Delhi Disaster Management Authority, Delhi. It is further submitted by petitioner in person that his representation be appreciated by the concerned respondent authorities and the food, shelter, drinking water and other essential amenities for the rehabilitation of the victims may be provided in accordance with law within a stipulated time.

3. In view of the aforesaid submissions and looking to the facts and circumstances of the case and also looking to the fact that there is a representation pending with the Chairman, Delhi Disaster Management Authority, we direct the respondents to appreciate the representation of the petitioner in accordance with law, rules, regulations and Government policy applicable to the facts of the case and if the victims are entitled for the compensation under the Disaster Management Act, 2005, the same shall also be paid in accordance with law after proper identification of the victims, as early as possible and practicable.

4. With these observations, this writ petition is hereby disposed of. CM Nos.47280/2019 (directions) 1. In view of the disposal of the writ petition, this application stands disposed of. OCTOBER31 2019/kr W.P.(C) 11504/2019 CHIEF JUSTICE C.HARI SHANKAR, J.

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