

Shri Anil Kumar and Others Vs. Municipal Corporation of Delhi

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Court : Delhi

Decided On : May-15-2001

Reported in : 2001VAD(Delhi)1061; 92(2001)DLT209; 2001(60)DRJ470

Judge : Manmohan Sarin, J.

Appeal No. : CW No. 7270/99 and CM No. 5356/2001

Appellant : Shri Anil Kumar and Others

Respondent : Municipal Corporation of Delhi

Advocate for Def. : Mr. Shiv Kumar, Adv.

Advocate for Pet/Ap. : Mr. M.M. Kashyap, Adv

Judgement :

ORDER

Manmohan Sarin, J.

Rule.

With the consent of the parties the application and writ petition are taken up for disposal.

1. Petitioners claim to be regular Tehbazari holders, having their sites near Ritz Cinema, Kashmere Gate. Petitioners' shops are stated to have been demolished and they were issued letters of allotment of alternate sites at Hemilton Road. The sites near the Ritz Cinema were demolished to make the land available for metro Rail. Petitioners' grievance is that they have not been given possession of the sites at Hamilton Road. Directions are sought for possession being given of the sites at Hamilton Road. Directions are also sought for payment of compensation and damages. Further direction is sought to the respondent to give allotment to six persons at site of CPO Building, from where they were removed. Directions are also sought to allot alternate site to the petitioner Nos. 1 to 10 mentioned in para 7 at Gokhale Market.

2. The petitioner and other applicants claim to be eligible Tehbazari holders, who had been removed from their sites as the lands were acquired for the Delhi Metro Rail corporation project. The eligibility of the petitioners for alternate squatting sites is not disputed by the respondents. The controversy is with regard to the claim of the petitioners and other applicants to be located at the site of their choice.

3. In the application, it is stated that counsel for the respondent was directed vide orders dated 29.11.2000, to verify from the DCP Traffic whether there was any objection to allotment of sites at Hamilton Raod. There is no such order or direction to the respondent's counsel to verify from DCP whether there was any objection to the sites at Hamilton Raod. Learned counsel for the respondent states that sites are not to be allotted at the Hamilton Road as the same have not been cleared by the DCP Traffic. Learned counsel for the respondent makes a categorical statement that DCP Traffic has not approved the squatting sites at Hamilton Road.

4. Learned counsel for the petitioner then prays that since it has been clarified by the Metro Rail project authorities that CPO Building portion is not required by them for the project. Nine persons who were squatting there prior to removal should be given those sites. Once the land is acquired for a particular project then the development of the land in question has to be in consonance with the project and its ancillary requirements. It is not the petitioners right to seek reallocation of the said sites/space on land which stands acquired.

5. Learned counsel for the petitioner states that the petitioner and other applicants are not willing to accept sites at Indira Vihar and V.B.Depot as they find them unsuitable.

In this view of the matter no relief as sought by the petitioner can be granted. In case the petitioners are aware of any other available sites with which the Corporation can allot to them, the petitioners may make a representation to the Corporation within two weeks. Learned counsel for the respondent states that same shall be objectively considered and disposed of within one month of its receipt on merits.

Learned counsel for the petitioner states that there is nothing further to be submitted by petitioner with regard to the writ petition as it would depend on the outcome of the representation. Petitioners if aggrieved by the decision on their representation may avail of such remedies as admissible at law. No further orders are called for in the writ petition, which stands disposed of.

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