

[Nangla's Delhi](#)

**It quenches the thirst of the thirsty, such is Nangla,
it shelters those who come to the city of Delhi, such is
Nangla.**

[Blog](#)[Gallery](#)[Contact](#)[About](#)

Categories

- [All](#)
- [Daily Life](#)
- [Eviction](#)
- [Legal Pronouncements](#)
- [Making of Ghevra](#)
- [Making of Nangla](#)
- [Nangla Elsewhere](#)
- [Portraits](#)
- [Survey](#)
- [The Journey After](#)

Recent Postings

- [They say in Delhi...](#)
- ["The Oblique Strategies of Trickster City"](#)
- [Review of Trickster City](#)
- [LNJP Proposes](#)
- [What is in this word "evidence"? By Babli Rai](#)
- [The Survey Unfolds](#)
- [Survey Begins in LNJP](#)
- [Laying the Foundation Stone, by Jaanu Nagar](#)



LiveSearch

Archive

- [May 2010](#) [3]
- [October 2009](#) [1]
- [March 2009](#) [2]

- [February 2009](#) [1]
- [July 2008](#) [5]
- [June 2008](#) [3]
- [March 2008](#) [1]
- [September 2007](#) [1]
- [August 2007](#) [17]
- [November 2006](#) [1]
- [September 2006](#) [6]
- [August 2006](#) [10]
- [July 2006](#) [2]
- [June 2006](#) [17]
- [May 2006](#) [19]
- [April 2006](#) [20]
- [March 2006](#) [28]
- [February 2006](#) [9]

Buttons



The Special Leave Petition filed in the Supreme Court, heard in the court on May 09

[[Legal Pronouncements](#)] by Nangla Lab @ 10.05.2006 00:00 CEST
IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

{Order XVI Rules 4(1) (a)}

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2005.

(Against the interlocutory order passed by the Division Bench of the High Court of Judicature at Delhi dated 05.04.2006 in WP(C) No. 3419 of 1999)

BETWEEN:

POSITION OF PARTIES IN THE HIGH COURT
IN THIS HON'BLE COURT

1. RAM RATTAN NOT PARTY PETITIONER NO.1

CN-102, T HUTS,
KALI MATA BASTI,
NANGLA MACHI,
RING ROAD

2. CHEDDI LAL, NOT PARTY PETITIONER NO.2

96, KALI MATA BASTI,
NANGLA MACHI,
RING ROAD

3. JAHANARA NOT PARTY PETITIONER NO.3

CN 1498, T HUTS,
NANGL MACHI,
RING ROAD

4. BANO, NOT PARTY PETITIONER NO.4

97, T HUTS,
KALI MATA MANDIR,
NANGL MACHI,
RING ROAD

5. ABDUL SAMADAN NOT PARTY PETITIONER NO.5

363, T HUTS,
DEVI NAGAR,
NANGL MACHI,
RING ROAD,

6. AHILYA DEVI NOT PARTY PETITIONER NO.6

42, KALI MATA BASTI,

NANGL MACHI,

RING ROAD,

7. MUNNI LAL GAUTAM, NOT PARTY PETITIONER NO.7

259, T HUTS,

NANGL MACHI,

RING ROAD

8. LALA RAM NOT PARTY PETITIONER NO.8

387, T HUTS,

DEVI NAGAR,

NANGLA MACHI,

RING ROAD

9. GYANWATI, NOT PARTY PETITIONER NO.9

415, T HUTS,

KALI MATA BASTI,

NANGL MACHI,

RING ROAD

10. SITARA KHATUN NOT PARTY PETITIONER NO.10

373, T HUTS,

DEVI NAGAR,

NANGL MACHI,

RING ROAD

VERSUS

1. COMMISSIONER OF POLICE RESPONDENT NO.1 RESPONDENT NO.1
THROUGH (CONTESTING DEPUTY COMMISSIONER RESPONDENT)
POLICE, (TRAFFIC)
OFFICE OF THE DEPUTY COMMISSIONER
POLICE,
POLICE HEADQUARTERS, NEAR ITO,
DELHI

2. CHAIRMAN, DELHI RESPONDENT NO.2 RESPONDENT NO.2
POLLUTION CONTROL (PERFORMA
COMMITTEE, RESPONDENT)
4TH FLOOR, ISBT BUILDING,
KASHMERE GATE,
DELHI -110006

3. POLLUTION CONTROL BOARD RESPONDENT NO.3 RESPONDENT NO.3
THROUGH ITS CHAIRMAN (PERFORMA
CBD CUM OFFICE COMPLEX, RESPONDENT)
EAST ARJUN NAGAR,
DELHI -110032

4. HEMRAJ PETITIONER NO.1 RESPONDENT NO. 4
C/O MR. PREM RAJ TAMWAR, (PERFORMA
FATEHPUR BERI, DERAGAON, RESPONDENT)
MEHRAULI, NEW DELHI

5. KISHAN BHATTACHARYA PETITIONER NO.2 RESPONDENT NO. 5

C/O DR. RADHASHYAM (PERFORMA

FATEHPUR BERI, DERAGAON, RESPONDENT)

MEHRAULI, NEW DELHI

6. TRIBHUVAN NATH PETITIONER NO.3 RESPONDENT NO. 6

H. NO. 500, KAZA MOHALLA (PERFORMA

FATEHPUR BERI, DERAGAON, RESPONDENT)

MEHRAULI, NEW DELHI

SPECIAL LEAVE PETITION UNDER ARTICLE 136 OF
THE CONSTITUTION OF INDIA

To

The Hon'ble Chief Justice of India and

His companion Justices of the Supreme Court of India.

The Special Leave Petition of the Petitioner above named.

MOST RESPECTFULLY SHOWETH:

1. That this Special Leave Petition is directed against the interlocutory order dated 05.04.2006 passed by the Hon'ble High Court of Delhi in WP (C) No. 3419/1999 vide which the Hon'ble High Court, without hearing the people who were going to be affected by the said order, in total contravention of their fundamental right of Right to Shelter under Article 21 of the Constitution, international conventions and also the government policy in this regard, directed the Delhi Development Authority and the Commissioner of Delhi Police to remove all the slum dwellers from Nangla Machi slum without waiting for their proper resettlement/relocation.

2. QUESTIONS OF LAW:

(A) Whether the demolition of the slum without ensuring adequate relocation/resettlement of its poor residents, even though they are fully covered under the government policy of relocation of slum clusters, amounts to violation of their fundamental right of Right to Shelter as guaranteed under Article 21 of the Constitution of India or not?

3. DECLARATION IN TERMS OF RULE 4(2):

The Petitioner states that no other Petition seeking leave to appeal has been filed by it against the final judgment and order of the Hon'ble Division Bench of the Delhi High Court dated 05.04.2006 passed in Writ Petition (Civil) No. 3419 of 2006 titled Sh. Hemraj vs. Commissioner of Police and ors..

4. DECLARATION IN TERMS OF RULE 6:

The annexures produced along with the SLP are true copies of the pleadings/documents, which (except Annexures P4, P5, P6 & P7) formed part of the record of the case in the High Court below against whose order leave to appeal is sought for in this Petition.

5. GROUNDS:

Leave to appeal is sought on the following grounds without prejudice to each other:

A. That the Hon'ble High Court erred in passing the order of removal of all the jhuggis of Nangla Machi without hearing poor people of the said site who were going to be affected by the said order. The poor residents of Nangla Machi, as they were not parties in the aforementioned writ petition, were totally unaware of passing of any such order; in fact they had no idea at all that any such hearing was going on before the Hon'ble High Court. The Hon'ble High Court without giving any opportunity of hearing to the poor residents of Nangla Machi came to the conclusion that all of them were illegal encroachers of land and they should be immediately removed from the said area. The poor people of Nangla Machi could not get any opportunity to apprise the Hon'ble High Court of the fact that since when they were living there, under what circumstances they came there and what hardships they were facing there. Thus, the Hon'ble High Court passed the said demolition orders in total violation of the principles of natural justice. It is submitted that most of the residents of the said slum are mainly landless dalit labourers, who have come to Delhi from states like Bihar, U.P. in search of their livelihoods as neither they were having lands on which their family could survive nor there were any work opportunity in their respective villages. Now in Delhi, most of them are earning their livelihood as daily wage workers, rickshaw pullers, gardeners, street vendors etc. Thus, they are very poor, earning Rs. 2000-3000 per month, and they have to run a family comprising, on an average, of five members on such meager income. Further, in these conditions, they just cannot afford any house or room on rent in a city like Delhi and have no option but to live in jhuggi clusters.

B. That the Hon'ble High Court erred in not appreciating that the demolition of said slum without ensuring proper relocation of its poor residents is in total violation of their fundamental right of Right to Shelter, enshrined under Article 21 of the Constitution as interpreted by this Hon'ble Court in its various judgements. The citizens have a right to life, a right which cannot be exercised without proper place to live. The right to life will be only illusory without a right to shelter. The Hon'ble Supreme Court in number of cases has held that right to shelter is a part of right to life and personal liberty enshrined in Article 21 of the Constitution. For example, in P.G. Gupta Vs. State of Gujarat {1995 Suppl. (2) SCC 182} , the Hon'ble Supreme Court read the

mandate of human right to shelter into Article 19(1) (e) and Article 21 of the Constitution of India encompassing within their ambit, the right to shelter, to enjoy residence and settlement.

Further, in *Chameli Singh Vs. State of UP* (AIR 1996 SC 105), Justice K. Ramaswamy speaking for the Court observed that, “In any organized society, right to live as a human being is not ensured by meeting only the animal needs of the man. It is secured only when he is ensured by meeting only the animal needs of the man. It is secured only when he is ensured of all facilities to develop himself and is freed from restrictions that inhibit his growth. All human rights are designed to achieve this object. Right to live guaranteed in any civilized society implies right to food, water, decent, environment, education, medical care and shelter. These are basic human rights known to a civilized society..... Right to shelter, therefore, includes adequate living space, safe and decent structure, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads, etc., so as to have easy access to his daily avocation. Right to shelter, therefore, does not mean a mere right to a roof over one’s head but right to all infrastructure necessary to enable him to live and develop as a human being.”

In this regard, it may also be mentioned here that the Hon’ble Supreme Court in *Olga Tellis* case had categorically stated that any paucity of financial resources of the State cannot be made an excuse for defeating the fundamental rights of the citizens.

C. That the Hon’ble Court further erred in not appreciating that the demolition of the shelters of the citizens without ensuring proper alternative arrangement to live is not only in violation of the constitutionally guaranteed fundamental rights but also of the international conventions such as:

(a) Article 25 of the Universal Declaration of Human Rights provides that ‘every one has a right to a standard of living adequate for health and well being of himself and his family, including food, clothing, housing and medical care.’ India is a signatory to the said Declaration. Though declarations usually are non-obligatory and exhibit only an intent and aspiration, this is not so for the Human Rights Declaration which over the years has acquired the status of customary international law and have, by virtue of this fact, percolated into the domestic law of the land to the extent it is not inconsistent with the municipal law and thus needs to be given effect to by the State and its agencies. This is consistent with a number of decisions of the Supreme Court of India such as *Gramophone Company of India Vs. B.B. Pandey*, (1984) 2 SCC 534, *CERC V. Union of India*, (1995) 3 SCC 42 and *PUCL Vs. UOI*, (1997) 3 SCC 433. In addition Article 51(e) of the Constitution states, “The State shall endeavour to foster respect for international law and treaty obligations in dealing of organized people with one another.....”

(b) International Covenant of Economic, Social and Cultural Rights is a detailed interpretation of international social welfare obligations of the States under the United Nations Charter and its Article 11 (1) recognizes right to housing in the following words: “The State parties to the present Covenant recognizes the right of every one to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. The State parties will take appropriate steps, to ensure the realizations of this right.....” The Covenant indicates that priority should be given to social welfare and the level of effort should increase over time. These obligations apply to any State that has ratified the Covenant regardless of the State’s economic resources. Of course, the States

would devise their own steps for the realization of these rights in accordance with their own resources. India has signed and ratified this Covenant and the State is under obligation to give effect to its provisions.

(c) Resolution No. 1993/77 adopted by the Commission on Human Rights on March 10, 1993 entitled 'Forced Evictions and human Rights', among other things, urges and recommends:

9. That the practice of forced evictions constitutes a gross violation of human rights, in particular right to housing;

2. Governments to undertake immediate measures at all levels aimed at eliminating the practice of forced evictions.

D. That the Hon'ble High further failed to appreciate that most of the slum dwellers of Nangla Machi are fully covered under Government policy of the Delhi Government for relocation of JJ clusters in Delhi, which was framed with the approval of the Central Government. The said scheme says that those who established their Jhuggies before 31.01.1990 are entitled to a plot of 18 sq. meters while others who put these up between 01.02.1990 to 31.12.1998 would get plots of 12.5 sq. meters each. Most of the residents of Nangla Machi are having residential proofs of pre 1998 and thus clearly come under the said policy. However, despite the fact that most of them are covered under the said policy, none of the authorities, even before the Hon'ble High Court, owned the responsibility of their resettlement. In view of the absolutely apathetic attitude of all the concerned departments towards the slum dwellers of Nangla machi, the direction of this Hon'ble Court that all the jhuggis should be removed from Nangla machi and 'the removal will not wait for the relocation' will definitely render them homeless and thereby, seriously jeopardize their human rights as well as the fundamental right as guaranteed under the Constitution.

6. GROUND FOR INTERIM RELIEF

A. That the Petitioners and also other similarly placed people of Nangla Machi do not have any other alternative place to live in Delhi as neither they own any land nor they can afford any rented accommodation in Delhi. All of them shifted to Delhi in search of their livelihood as there were no work opportunities in their respective native villages and now, the demolition of their jhuggis with no hope for any resettlement will leave them with no shelter. It is submitted that they have got the constitutional right and moreover, they are fully covered under the resettlement policy of their very own government. However, no authority is coming to the rescue of poor people of Nagla Machi as all of them are shirking responsibility of their relocation on another department. The next date of hearing in the aforementioned Writ Petition is on 17th May 2006 and before that all the jhuggis will have to be removed. In fact, the Petitioners have learnt that the demolition can now start any moment. Hence, if the part of the impugned order dealing with the demolition of jhuggis at Nangla Machi is not stayed; the present petition will become infructuous.

8. MAIN PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

P R A Y E R S

2. grant this Petition for Special Leave to appeal against the judgment and order of the Hon'ble Division Bench of the Delhi High Court dated 05.04.2005 passed in Writ Petition (Civil) No. 3419 of 1999, and

1. pass any other or further order/s this Hon'ble Court may deem fit and proper.

9. INTERIM PRAYERS:

1. stay part of the impugned order dated 05.04.2006 passed in Writ Petition (Civil) No. 3419 of 1999 dealing with the demolition of Nangla Machi jhuggi colony till the time the affected people are adequately relocated/resettled; and

2. pass any other or further order/s as this Hon'ble Court may deem fit and proper.

PETITIONERS

THROUGH: PRASHANTBHUSHAN

COUNSELFORTHEPETITIONERS

DRAWN BY: - ROHIT KUMAR SINGH

DRAWN ON: 25.04.2006

FILED ON: 26.04.2006

NEW DELHI

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

I.A. NO.____ OF 2006

IN

SPECIAL LEAVE PETITION (CIVIL) NO._____ OF 2006

IN THE MATTER OF:

RAM RATAN & ORS. ...PETITIONERS

VERSUS

COMMISSIONER OF POLICE DELHI & ORS.RESPONDENTS

APPLICATION FOR PERMISSION FOR FILING ADDITIONAL DOCUMENTS AS
ANNEXURES P4, P5, P6 & P7

To

The Hon'ble Chief Justice

And his companion justices of the Supreme Court of India

Most respectfully sheweth:

1. That this Special Leave Petition is directed against the interlocutory order dated 05.04.2006 passed by the Hon'ble High Court of Delhi in WP (C) No. 3419/1999 vide which the Hon'ble High Court, without hearing the people who were going to be affected by the said order, in total contravention of their fundamental right of Right to Shelter under Article 21 of the Constitution, international conventions and also the government policy in this regard, directed the Delhi Development Authority and the Commissioner of Delhi Police to remove all the slum dwellers from Nangla Machi slum without waiting for their proper resettlement/relocation.

2. The Petitioners have filed four additional documents as Annexures P-4, P5, P6 & P7 along with this Special Leave Petition which were not a part of the record before the High Court and they are annexed along with this application.

Annexures P-4 (Colly) is the specific details of the Petitioners alongwith their residential proofs. Some of the residents of Nangla Machi are in possession of the cards issued by the DDA, Socio Economic wing in 1979 as their residential proofs; copies of two such cards are annexed hereto as Annexure P5 (Colly). Copy of a list of 400 residents of the said village showing their ration card nos. and date of issuance as well as voters identity card no. is annexed hereto as Annexure P6. A copy of the policy of the Delhi Government for relocation of slum clusters is annexed hereto as Annexure P7.

3. It is submitted that the facts mentioned in above said annexures are essential to answer the substantial questions of law raised in this special leave petition and therefore, the above-mentioned facts may be treated as part and parcel of the accompanying special leave petition.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

1. permit the Petitioners to file additional documents as Annexures P- 4, P5, P6 & P7 and
2. pass any other or further order/s as this Hon'ble Court may deem fit and proper.

PETITIONERS

THROUGH: PRASHANT BHUSHAN

NEW DELHI COUNSEL FOR THE PETITIONERS

DT. 26.04.2006

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2006

IN THE MATTER OF:

RAM RATAN & ORS. ...PETITIONERS

VERSUS

COMMISIONER OF DELHI POLICE & ORS.RESPONDENTS

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the Court whose judgment/order is challenged and the other documents relied upon in those proceedings. No additional facts/documents have been taken therein or relied upon in the Special Leave Petition except Annexures P-4(collY), P5, P6 & P7 for which the petitioners have filed an application for permission to file additional document. It is further certified that the copies of the documents/annexures attached to the Special Leave Petition are necessary to answer the questions of law raised in the Petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the Petitioner whose affidavit is filed in support of the Special Leave Petition.

PRASHANT BHUSHAN

COUNSEL FOR THE PETITIONERS

NEW DELHI

DT. 26.04.2006

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2006

IN THE MATTER OF:

RAM RATAN & ORS. ...PETITIONERS

VERSUS

COMMISIONER OF DELHI POLICE & ORS.RESPONDENTS

A F F I D A V I T.

I, Ram Ratan, S/o Prahlad Ratan R/o C-162, Kalimata Basti, Nangla Machi, Delhi, do hereby solemnly state and affirm as under:

1. That I am one of the Petitioners in the above Special Leave Petition and being familiar with the facts and circumstances of the case, I am competent and authorized to swear this Affidavit on behalf of all the Petitioners.

2. That I have read and understood the contents of the Synopsis, List of Dates (Page No. _____ to _____) and the Special Leave Petition (Page No. _____ to _____) and Application for permission to file additional documents (Page No. _____ to _____) and Application for permission to file SLP (Page No. _____ to _____) and Application from exemption from filing certified copy of the impugned order (Page No. _____ to _____), I state that the facts therein are true and correct to the best of my knowledge and based on information received by me from various reliable sources which I believe to be true and nothing material has been concealed therefrom.

3. I state and certify that the Special Leave Petition is confined only to the pleadings before the Hon'ble High Court whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents (except Annexures P-4, P5, P6 and P7) grounds have been taken therein or relied upon in the Special Leave Petition.

4. I further state and certify that the copies of the documents/annexures attached with the Special Leave Petition are necessary to answer the question of law raised in the Petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon'ble Court.

5. I further state that all the Annexures to the Special Leave Petition are true copies of their respective originals.

6. I further state and submit that the names of the parties are same as before the Hon'ble High Court.

7. I state that I have accordingly instructed my Advocate-on-Record and the Special Leave Petition and the accompanying documents have been drafted on the basis of my instructions as stated above. I have fully understood and am aware that on the basis of my instructions, the

Advocate-on-Record will give and file a certificate certifying the above along with the Hon'ble Supreme Court of India.

DEPONENT

VERIFICATION:

I, the above named Deponent, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 26th day of April 2006.

DEPONENT

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

{Order XVI Rules 4(1) (a)}

SPECIAL LEAVE PETITION

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2006

(Against the final order passed by the Division Bench of the High Court of Judicature at Delhi dated 05.04.2006 in WP(C) No. 3419 of 2006)

WITH PRAYER FOR INTERIM RELIEF

IN THE MATTER OF:

RAM RATAN & ORS. ...PETITIONERS

VERSUS

COMMISIONER OF DELHI POLICE & ORS.RESPONDENTS

P A P E R B O O K

(For Index kindly see inside)

WITH

I.A. NO. _____ OF 2006

Application for filing additional documents

I.A. NO. _____ OF 2006

Application for permission to file SLP

I.A. NO. _____ OF 2006

Application for exemption from filing certified copy of
impugned order

PRASHANT BHUSHAN : COUNSEL FOR THE PETITIONERS

RECORD OF PROCEEDING

SL.NO. DATE OF PROCEEDING/OFFICE REPORT PAGE

-

I N D E X

SL.

NO. PARTICULARS PAGE NO.

1. LIMITATION REPORT A

2. CHECK LIST A1-A2

3. SYNOPSIS & LIST OF DATES B-I

4. IMPUGNED ORDER DATED 05.04.2006 PASSED

BY THE DELHI HIGH COURT IN W.P.(C) NO. 3419/99 1-10

5. SPECIAL LEAVE PETITION WITH AFFIDAVIT 11-22

6. ANNEXURE P1 – COPY OF THE AFFIDAVIT DATED

01.02.2006 FILED BY S&JJ DEPARTMENT BEFORE

HON'BLE DELHI HIGH COURT 23-28

7. ANNEXURE P2 – COPY OF THE ORDER DATED

01.03.2006 PASSED BY THE HON'BLE HIGH COURT 29-33

8. ANNEXURE-P 3 COPY OF THE INQUIRY REPORT

DATED 04.04.06 OF SLUM AND JJ DEPARTMENT 34-39

9. APPLICATION FOR FILING ADDITIONAL DOCUMENTS

AS ANNEXURES P4, P5, P6 & P7 40-41

10. ANNEXURE-P4 (COLLY)- COPY OF THE DOCUMENT

GIVING DETAILS OF THE PETITIONERS ALONG WITH

THEIR RESIDENTIAL PROOFS

(a) COPY OF THE DOCUMENT DATED NIL GIVING DETAILS

OF THE PETITIONERS 42-44

(b) COPY OF THE RATION CARD OF PETITIONER NO.1 45-47

(c) COPY OF THE VOTERS ID OF PETITIONER NO.1 48-49

(d) COPY OF THE RATION CARD OF PETITIONER NO.2 50-51

(e) COPY OF THE VOTERS ID OF PETITIONER NO.2 52-53

(f) COPY OF THE RATION CARD OF PETITIONER NO.3 54-55

(g) COPY OF THE VOTERS ID OF PETITIONER NO.3 56

(h) COPY OF THE RATION CARD OF PETITIONER NO.4 57

(i) COPY OF THE VOTERS ID OF PETITIONER NO.4 58-59

(j) COPY OF THE RATION CARD OF PETITIONER NO.5 60-63

- (k) COPY OF THE VOTERS ID OF PETITIONER NO.5 64-65
- (l) COPY OF THE RATION CARD OF PETITIONER NO.6 66
- (m) COPY OF THE VOTERS ID OF PETITIONER NO.6 67
- (n) COPY OF THE RATION CARD OF PETITIONER NO.7 68-71
- (o) COPY OF THE VOTERS ID OF PETITIONER NO.7 72-73
- (p) COPY OF THE RATION CARD OF PETITIONER NO.8 74-77
- (q) COPY OF THE VOTERS ID OF PETITIONER NO.8 78
- (r) COPY OF THE RATION CARD OF PETITIONER NO.9 79-81
- (s) COPY OF THE VOTERS ID OF PETITIONER NO.9 82
- (t) COPY OF THE RATION CARD OF PETITIONER NO.10 83
- (u) COPY OF THE VOTERS ID OF PETITIONER NO.10 84

9. ANNEXURE P5 (COLLY)- COPIES OF CARDS ISSUED
BY THE DDA, SOCIO ECONOMIC WING IN 1979

- (a) COPY OF THE CARD OF BHOOP SINGH 85-86
- (b) COPY OF THE CARD OF GANGA SARAN 87-88

10. ANNEXURE P6 - COPY OF A LIST OF 400 RESIDENTS
OF NANGLA MACHI SHOWING THEIR RATION CARD NOS.
AND DATE OF ISSUANCE AS WELL AS VOTERS IDENTITY
CARD NO. DATED NIL 89-96

11. ANNEXURE P7 – COPY OF THE DELHI GOVERNMENT POLICY
OF RELOCATION OF SLUM CLUSTERS DATED NIL 97-103

12. APPLICATION FOR PERMISSION TO FILE SLP 104-105

13. APPLICATION FROM EXEMPTION FROM FILING

CERTIFIED COPY OF IMPUGNED ORDER 106-107

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2006

IN THE MATTER OF:

RAM RATAN & ORS. ...PETITIONERS

VERSUS

COMMISIONER OF DELHI POLICE & ORS.RESPONDENTS

LIMITATION REPORT

The above mentioned Special Leave Petition is filed within time.

Section Officer

Section 1B

IN THE SUPREME COURT OF INDIA

CIVIL APPEALLATE JURISDICTION

I.A. NO. ____ OF 2006

IN

SPECIAL LEAVE PETITION (Civil) No. OF 2006

(Petition under Article 136 of the Constitution of India)

IN THE MATTER OF:

RAM RATAN & ORS. ...PETITIONERS

VERSUS

COMMISSIONER OF DELHI POLICE & ORS.RESPONDENTS

APPLICATION FOR PERMISSION TO FILE SPECIAL LEAVE PETITION AGAINST THE
IMPUGNED INTERLOCUTORY ORDER DATED 05.04.2006 PASSED BY THE HON'BLE
HIGH COURT OF DELHI IN CIVIL WRIT PETITION NO. 3419 OF 1999

To

The Hon'ble Chief Justice

and his companion Justices of the Supreme Court of India.

The Petitioners/Applicants above named most respectfully sheweth:

1. That this Special Leave Petition is directed against the interlocutory order dated 05.04.2006 passed by the Hon'ble High Court of Delhi in WP (C) No. 3419/1999 vide which the Hon'ble High Court, without hearing the people who were going to be affected by the said order, in total contravention of their fundamental right of Right to Shelter under Article 21 of the Constitution, international conventions and also the government policy in this regard, directed the Delhi Development Authority and the Commissioner of Delhi Police to remove all the slum dwellers from Nangla Machi slum without waiting for their proper resettlement/relocation.

2. That the Applicants are not reiterating the contents of the Special Leave Petition for the sake of brevity but craves leave of this Hon'ble Court to refer to and rely upon the contents of the same as a part of this application.

3. That the Petitioners are poor slum dwellers of Nangla Machi. The Hon'ble Delhi High Court vide its orders dated 01.03.2006 and 05.04.2006 directed removal of all the jhuggis from Nangla Machi without hearing the people who were going to be affected by these orders. As the Petitioners and many other slum dwellers of Nangla Machi are not having any land or any other alternative place to live, the direction of the Hon'ble High Court that their jhuggis should be demolished forthwith without waiting for relocation will definitely render them homeless. Though, most of the residents of Nangla Machi are fully covered under the relocation policy of Delhi Government, but no authority is willing to take up the responsibility of their relocation.

4. It is submitted that as the petitioners/applicants were not party to the proceedings before the High Court, they have no remedy other than challenging the illegal order of the Hon'ble High Court.

5. That in the interest of justice the Petitioners/ Applicants may be permitted to file present Special Leave Petition against the impugned judgment and order.

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

PRAYERS

1. Grant permission to the Applicants/Petitioners for filing present Special Leave Petition against the interlocutory order dated 05.04.2006 passed by the Hon'ble Jharkhand High Court in civil misc. writ petition no. 3419/1999; and
2. pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

PETITIONER/APPLICANT

THROUGH: PRASHANTBHUSHAN

COUNSELFORTHEPETITIONER

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

I.A. NO. _____ OF 2006

IN

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2006

IN THE MATTER OF:

RAM RATAN & ORS. ...PETITIONERS

VERSUS

COMMISIONER OF POLICE DELHI & ORS.RESPONDENTS

APPLICATION FOR EXEMPTION FROM FILING CERTIFIED AND TRUE COPY OF THE
IMPUGNED ORDER

To

The Hon'ble Chief Justice

And his companion justices of the Supreme Court of India

Most respectfully sheweth:

1. That this Special Leave Petition is directed against the interlocutory order dated 05.04.2006 passed by the Hon'ble High Court of Delhi in WP (C) No. 3419/1999 vide which the Hon'ble

High Court, without hearing the people who were going to be affected by the said order, in total contravention of their fundamental right of Right to Shelter under Article 21 of the Constitution, international conventions and also the government policy in this regard, directed the Delhi Development Authority and the Commissioner of Delhi Police to remove all the slum dwellers from Nangla Machi slum without waiting for their proper resettlement/relocation.

2. As the Petitioners were not the parties before the Hon'ble High Court in the aforementioned writ petition, they are not having the certified copy of the impugned order. Moreover, the present petition is being filed in urgency as any time demolition of jhuggis can start in Nangla Machi. Thus, due to paucity of time also, the Petitioners could not get the certified copy of the impugned order. However, as and when this Hon'ble Court requires the certified copy of the impugned order, the Petitioners undertake to provide it.

3. In these circumstances, the Petitioners request that in the interest of justice they should be permitted to file SLP without certified and true copy of the impugned order.

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

PRAYERS

1. exempt the Applicants/Petitioners from filing certified as well as true copy of the impugned order dated 05.04.2006 passed by the Hon'ble Jharkhand High Court in civil misc. writ petition no. 3419/1999; and

3. pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

PETITIONER/APPLICANT

THROUGH: PRASHANTBHUSHAN

COUNSELFORTHEPETITIONER

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

I.A. NO._____ OF 2006

IN

SPECIAL LEAVE PETITION (CIVIL) NO._____ OF 2006

IN THE MATTER OF:

RAM RATAN & ORS. ...PETITIONERS

VERSUS

COMMISSIONER OF POLICE DELHI & ORS.RESPONDENTS

APPLICATION FOR THE IMPLEADMENT OF GOVT. OF NCT DELHI, MCD, NDMC, SLUM AND JJ DEPARTMENT, DDA AND BSES AS THE NECESSARY PARTIES AS RESPONDENTS

To

The Hon'ble Chief Justice

And his companion justices of the Supreme Court of India

Most respectfully sheweth:

1. That this Special Leave Petition is directed against the interlocutory order dated 05.04.2006 passed by the Hon'ble High Court of Delhi in WP (C) No. 3419/1999 vide which the Hon'ble High Court, without hearing the people who were going to be affected by the said order, in total contravention of their fundamental right of Right to Shelter under Article 21 of the Constitution, international conventions and also the government policy in this regard, directed the Delhi Development Authority and the Commissioner of Delhi Police to remove all the slum dwellers from Nangla Machi slum without waiting for their proper resettlement/relocation.

2. That in the abovementioned writ petition originally only Respondent Nos. 1 to 3 were made as respondents as it was initially related to some traffic regulations but the Hon'ble High Court time to time issued notices to other departments also like DDA, MCD, NDMC, BSES, SLUM and JJ Department as well as NCT Delhi. All these parties were being represented through their respective counsels; however the amended memo of parties were not filed in the High Court. Thus, they were not formally made parties before the Hon'ble High Court. The Petitioners are filing the present SLP in which directions may be issued by this Hon'ble Court to the aforementioned parties. Hence, the Petitioners are filing the present application to implead following departments as the necessary parties in the form of contesting respondents in the present SLP.

1. GOVERNMENT OF NCT DELHI,

THROUGH ITS CHIEF

SECRETARY

NEW DELHI SECRETARIATE BUILDING,

INDRAPRASTH, NEW DELHI

2. DELHI MUNICIPAL CORPORATION

THROUGH ITS CHAIRMAN

TOWN HALL,

CHANDANI CHOWK,

DELHI

3. NEW DELHI MUNICIPAL

CORPORATION,

THROUGH ITS CHAIRMAN

PALIKA KENDRA,

DELHI

4. SLUM AND JJ DEPARTMENT

THROUGH ITS ADDL.

COMMISSIONER,

PUNARVAS BHAWAN,

I.P. ESTATE,

NEW DELHI

5. DELHI DEVELOPMENT AUTHORITY,

THROUGH ITS CHAIRMAN

VIKAS SADAN,

NEW DELHI- 110023

6. BOMBAY STATE ELECTRICITY SUPPLY, THROUGH ITS CHAIRMAN

BSES BHAWAN

BEHIND NEHRU PLACE BUS TERMINAL

NEHRU PLACE, NEW DELHI - 111019

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

3. allow the present application to implead the aforementioned parties as necessary parties in the form of contesting respondents in the abovementioned SLP; and
4. Pass any other or further order/s as this Hon'ble Court may deem fit and proper.

PETITIONERS

THROUGH: PRASHANT BHUSHAN

NEW DELHI COUNSEL FOR THE PETITIONERS

DT. 27 .04.2006

IN THE HIGH COURT OF DELHI AT NEW DELHI

(CIVIL WRIT PETITION NO. 3419 OF 1999)

(EXTERAORDINARY WRIT JURISDICTION)

MEMO OF PARTIES

1. HEMRAJ

C/O MR. PREM RAJ TAMWAR,
FATEHPUR BERI, DERAGAON,
MEHRAULI, NEW DELHI

2. KISHAN BHATTACHARYA

C/O DR. RADHASHYAM

FATEHPUR BERI, DERAGAON,

MEHRAULI, NEW DELHI

3. TRIBHUVAN NATH

H. NO. 500, KAZA MOHALLA

FATEHPUR BERI, DERAGAON,

MEHRAULI, NEW DELHIPETITIONERS

VERSUS

1. COMMISIONER OF POLICE

THROUGH DEPUTY COMMISSIONER

POLICE, OFFICE OF THE DEPUTY

COMMISSIONER POLICE, (TRAFFIC)

POLICE HEADQUARTERS, NEAR ITO,

DELHI

2. CHAIRMAN, DELHI

POLLUTION CONTROL

COMMITTEE,

4TH FLOOR, ISBT BUILDING,

KASHMERE GATE,

DELHI -110006

3. POLLUTION CONTROL BOARD

THROUGH ITS CHAIRMAN

CBD CUM OFFICE COMPLEX,

EAST ARJUN NAGAR,

DELHI -110032RESPONDENTS

PRASHANTBHUSHAN
COUNSELFORTHEPETITIONERS

IN THE SUPREME COURT OF INDIA

I.A. NO. _____OF 2006

IN

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2006

IN THE MATTER OF:

RAM RATAN & ORS. ...PETITIONERS

VERSUS

COMMISIONER OF DELHI POLICE & ORS.RESPONDENTS

P A P E R B O O K

INDEX

1. APPLICATION FOR IMPLEADMENT WITH 1-3

AFFIDAVIT

PRASHANT BHUSHAN : COUNSEL FOR THE PETITIONERS

PRASHANT BHUSHAN

Advocate

Off: Res: Chb:

C-67, Sector-14 B-16, Sector-14 301, New Lawyers'Chambers

NOIDA – 201 301 NOIDA – 201 301 Supreme Court

U.P. U.P. New Delhi – 110 001

Tel: 2512523, 914512695 Tel: 2512411, 2512693 Tel: 23070301, 23070645

Fax:2512694

Dated: 27/04/2006

To,

The Registrar,

Supreme Court of India,

New Delhi,

Subject: SLP (CIVIL) NO. _____ OF 2006

TITLED: RAM RATAN V. COMMISIONER OF DELHI POLICE &ORS.

Sir,

In the abovementioned SLP some of the annexures namely Annexure P4(Colly) and P5 (Colly) are photo copies of the original documents which are required to be placed before the Hon'ble Supreme Court to show the proof of residence of the Petitioners and the year since when they are residing at Nagla Machi jhuggi colony. It is therefore, requested that Annexure P4 (Colly) and P5 (Colly) are allowed to be placed in the original forms in the abovementioned SLP.

Yours sincerely,

(Prashant Bhushan)

[Permalink](#)

comments

No new comments allowed (anymore) on this post.

Freeflux.net - Powered by Flux CMS