



\$~2

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10790/2024, CM APPL. 57522/2024 & CM APPL. 57523/2024

SAMADHAN ABHIYAN

.....Petitioner

Through: Mr. Abhigyan Siddhant, Mr. Anurag Sahay and Mr. Rohit Kumar, Advs.

versus

GOVERNEMNT OF NCT OF DELHI & ORS. ....Respondents

Through: Mr. Sameer Vashisht, ASC (Civil), GNCTD with Ms. Harshita Nathrani, Adv. for R-1 & 2.

Mr. Anurag Ahluwalia and Ms. Hridyanshi Sharma, Advs. for R-4/CBI.

Ms. Sangeeta Bharti, SC of DJB with Ms. Malvi Balyan and Ms. Vidushi Gupta, Advs. for R-13/ DJB.

Mr. Manu Chaturvedi, SC for MCD with Ms. Devika Singh Roy, Adv.

Ms. Shahana Farah and Ms. Sanna Harta, Advs. for DDA.

Mr. Ajay Verma and Mr. Vaishnav Kirti Singh, Advs. for Intervener with Intervener in person.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

**12.11.2024**

%

**CM APPL. 57523/2024 (for exemption)**

1. Allowed, subject to all just exceptions.



2. Accordingly, the application stands disposed of.

**CM APPL. 57522/2024 (for intervention)**

1. Present application has been filed seeking intervention in the present matter by Mr. Krishan Sharma who claims to be a public-spirited person and a practicing lawyer.

2. Keeping in view the averments in the application, the same is allowed and Mr. Krishan Sharma is permitted to intervene in the matter.

3. Accordingly, the application stands disposed of.

**W.P.(C) 10790/2024**

1. In pursuance to the last order, GNCTD has filed a Status Report dated 23<sup>rd</sup> September, 2024. The relevant portion of the said report reads as under:-

**“Status Report in the matter of a Public Interest Litigation,  
Samadhan Abhiyan versus Govt. of NCT of Delhi and others in  
Hon'ble High Court of Delhi**

***Direction of Hon'ble High Court w.r.t Decongestion of Asha Kiran Home***

***I. Shifting of FRRO from Asha Jyoti Home to Shehzada bagh, FRRO Centre within a week time:***

*A team of DSW along with FRRO and DUSIB officials has visited the Shehzada bagh detention Centre on 22-08-2024. Wherein FRRO officials informed that minor repair work is required in the building. With the constant and collaborative efforts, the female foreign detainees have been shifted from Asha Jyoti to Shehzada bagh, Detention Centre on 06/09/2024. Fifty Mild & Moderate female residents have been shifted from Asha Kiran to Asha Jyoti Home on 18-09-2024 after the completion of necessary retrofitting, repairs and white wash etc.*

***II. Taking over the MCD Building of Nursing College & Hostel at PHCU Narela:***

*A letter was received from the Additional DHA, MCD on 02/09/2024, vide which the following was conveyed.*



*"Commissioner, MCD is pleased to offer handing over of Nursing College & Nursing Hostel buildings of MCD at PHC complex Narela on consideration of Rs.31,07,36,017(Thirty-one crore seven lakhs thirty-six thousand seventeen only) subject to the following:*

*a) The Department of social welfare, GNCTD shall pay the land cost of the existing structure as detailed above and the allotment will be made on 'as is where basis' is.*

*b) The Department of social welfare, GNCTD Shall submit an undertaking to the effect that it shall pay the difference in premium of land and ground rent chargeable in case of revision in rates with retrospective effect.*

*c) The Department of Social Welfare, GNCTD shall ensure provision of separate entrance, boundary wall. For segregation of inmates and patient/staff of the health unit at their own cost.*

*Accordingly, Department of Social Welfare has moved a proposal seeking Administrative approval & allocation of funds for the purpose to Department of Finance on 09-09-2024.  
Approvals awaited....."*

2. Learned counsel for the GNCTD states that fifty (50) Mild and Moderate female residents have been shifted from Asha Kiran to Asha Jyoti Home.

3. However, the problem of overcrowding of inmates continues to persist at Asha Kiran. Till date, the possession of the MCD Building of Nursing College & Hostel at PHCU Narela has not been taken over by the Social Welfare Department as the MCD has not been paid the consideration amount. This Court is of the prima facie opinion that the undertaking given by the Secretary, Social Welfare Department, GNCTD that payment shall be made to the MCD has not been honoured and the directions given in the order dated 12<sup>th</sup> August, 2024, have not been complied with.

4. At the pass over stage, we had asked the Additional Chief Secretary, Finance, GNCTD, who has joined the proceedings virtually, as to why the



consideration amount has not been paid to MCD till date. He states that on consideration of the proposal submitted by MCD, the Finance Department has sought some clarification, which has not been received. It is not understood as to why the Finance Department could not summon the official from MCD and seek clarification in the last three months. At this stage, Additional Chief Secretary, Finance, GNCTD assures and undertakes to this Court that the said proposal shall be processed expeditiously and much before the next date of hearing.

5. The Secretary, Social Welfare Department, GNCTD shall be personally present in the Court on the next date of hearing.

6. List on 2<sup>nd</sup> December, 2024.

**MANMOHAN, CJ**

**TUSHAR RAO GEDELA, J**

**NOVEMBER 12, 2024**

*bh*