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

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

SAMADHAN ABHIYAN

.....Petitioner

Through: Mr. Abhigyan Siddhant, Mr. Anurag Sahay, Mrs. Shruti Gala, and Mr. Rohit Kumar, Advocates

versus

GOVT. OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Sameer Vashisht, ASC for GNCTD with Mr. Vedansh Vashisht and Mr. Arjun Gupta, Advocates.
Ms. Hridyanshi Sharma, Advocate for R-4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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02.12.2024

1. Pursuant to the directions passed on 12th November, 2024 by this Court, the respondent no.2/Department of Social Welfare through its Secretary has handed over a status report dated 2nd December, 2024.

2. According to the status report dated 23rd September, 2024 filed by the GNCTD, fifty (50) Mild and Moderate female residents are stated to have been shifted from Asha Kiran to Asha Jyoti Home. Since in pursuance to the directions passed on 12th November, 2024, a status report has been filed, it would be appropriate to reproduce hereunder the contents in its entirety:-

“1. Decongestion of Asha Kiran Home

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Department of Social Welfare have made various efforts for decongestion of Asha Kiran Home post the orders passed by Hon'ble High Court of Delhi on dated 12/08/2024 which are as under:

i. 80 female residents with Mild & Moderate Intellectual Disabilities were shifted from Asha Kiran to the building located in Timarpur on 28/11/2024:

As an immediate and interim measure, 80 female residents with mild & moderate Intellectual Disabilities have been shifted out of Asha Kiran to the newly constructed building for Hostel for College Going Visually Impaired Girls located at Timarpur.

In light of emergent priority to decongest Asha Kiran Home, this newly constructed building was a viable option (although temporarily, till the MCD Nursing College Building at Narela is handed over to Department of Social Welfare, retrofitted and made operational to effect decongestion of Asha Kiran on substantial basis).

Accordingly, the building for Hostel of College Going Visually Impaired Girls at Timarpur was retrofitted to make it functional for the residence of 80 female residents of Asha Kiran with mild and moderate intellectual disabilities. All required arrangements. i.e Kitchen facilities, Health infrastructure, posting of required staff, provision of water, sewerage and electricity connections etc. were facilitated on war footing and 80 female residents have now settled here from Asha Kiran on 28/11/2024.

ii. On 18/09/2024, 50 female residents with mild & moderate Intellectual Disabilities were shifted to the additional dormitories made available to the Department of Social Welfare at Asha Jyoti Home, Hari Nagar New – Delhi after the vacation of the same by the female foreign detainees who were shifted out to FRRO Detention Centre at



Shehzada Bagh.

iii. On 08/10/2024, 20 male residents with mild & moderate Intellectual Disabilities were shifted to Asha Deep Home, Narela.

iv. Vide letter dated 28/11/2024, Department of Social Welfare has been allotted DDA Community Centre at Sector 1, Rohini (opposite Asha Kiran Home) on licence fee basis to Department of Social Welfare, GNCTD for 6 months from the date of physical possession for re-locating the residents of Asha Kiran.

With the approval of Rent Assessment Committee the licence fee shall be paid and the possession is expected to be taken over by the Dept of Social welfare within 4 weeks. This shall entail shifting of upto 70-80 residents from Asha Kiran for a period of 6 months till MCD Nursing College Building at Narela is handed over to Department of Social Welfare, retrofitted and made operational to effect decongestion of Asha Kiran on substantial basis. (Copy of allotment letter is enclosed as Annexure –I)

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

In compliance with directions passed by Hon'ble High Court New-Delhi vide its order dated 12/8/2024, the Department of Social Welfare GNCTD has issued sanction amounting to Rs. 31,07,36,017/- (Rupees thirty-one crore seven lakh thirty-six thousand seventeen only) to MCD for taking over the MCD Building of Nursing College & Hostel at PUHC Narela (copy of Sanction order is enclosed as Annexure –II).

Further, for expediting the process, joint inspection by the officers of Department of Social Welfare, PWD and MCD were conducted on dated 18/11/2024 and 25/11/2024 at the said building /complex. PWD required the documents like



layouts/drawing, plans and soil testing reports etc. for preparation of preliminary estimate from MCD and the same is under process (Copies of joint inspection reports are enclosed as Annexure –III)

The building is expected to be functional within 4 months and approx. 200 residents will be shifted to this facility.

vi. A dedicated officer has been appointed as Deputy Director (DD) Asha Kiran to supervise and look after day to day administration of the Asha Kiran Home. He is also to assist the Administrator Asha Kiran.”

(Bold portions as contained in the original status report)

3. It appears from the aforesaid status report that the respondents are making efforts to decongest Asha Kiran by shifting inmates to various locations as aforesaid. The respondents claim that once the aforesaid steps are taken and completed within the stipulated timelines and to the maximum extended period of four (4) months, almost 300-350 inmates would have been accommodated in such locations. This would, in all probability, decongest the Asha Kiran Home and would also obviate any unfortunate mishap as has occurred in the month of July, 2024 as reported on 2nd August, 2024, where fourteen (14) inmates had unfortunately expired.

4. This Court binds the respondent no.2/Department of Social Welfare to the status report dated 2nd December, 2024 filed by the Secretary. It is expected that the Department would complete all procedural and other formalities at the earliest and as expeditiously as possible. This Court is also hopeful that the sanction order dated 29th November, 2024, whereby



the respondent no.2/Department of Social Welfare has been authorised to draw an advance of Rs.31,07,36,017/- under Rule 4 of Contingency Fund of GNCTD would be released as soon as possible. Simultaneously, it is expected that the permanent transfer of Land of Nursing College and Hostel (MCD) Building and Building Complex of Nursing College and Hostel (MCD) alongwith complete Built-up at PUHC Narela for setting up Home for Mentally Challenged Persons in order to decongest Asha Kiran Home, Rohini, is completed at the earliest.

5. An updated status report be filed three days before the next date of hearing.
6. List for further directions on 13th January, 2025.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

DECEMBER 02, 2024/aj