



2025:DHC:6349-DB



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

+ LPA 489/2025 & CM APPL.46345-48/2025

STATE OF NCT OF DELHI

....Appellant

Through: Mr. Sameer Vashisht, Standing Counsel, Civil, GNCTD with Mr. Anubhav Gupta, Panel Counsel, Civil, GNCTD

versus

BALDEV RAJ THROUGH LR & ANR

.....Respondents

Through: Ms. Ujala Vishnoi and Sh. Randeep Singh, Advocates for R-1.
Ms. Vrinda Kapoor, Ms. Saumya Soni, Mr. Vishal Vaid, Advocates for R-2.

Date of Decision: 31.07.2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G E M E N T

TUSHAR RAO GEDELA, J: (ORAL)

CM APPL. 46346/2025 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 46347/2025 (condonation of delay)

3. This is an application seeking condonation of delay in filing the Letters Patent Appeal. Learned counsel representing the respondent nos.1 and 2 do not have any objection to the prayer made in the application.
4. Accordingly, the application is allowed and delay of 128 days in filing the Letters Patent Appeal is hereby condoned.



LPA 489/2025 & CM APPL. 46345/2025, CM APPL. 46348/2025

5. Present Letters Patent Appeal has been filed assailing the judgement dated 18.03.2025 whereby the learned Single Judge has allowed the underlying writ petition bearing W.P.(C) 4972/2018 filed by the respondent no.1, and thereby directed the appellant/GNCTD to prepare a certificate declaring respondent no.1 a part of the policy of Housing Scheme for Rehabilitation of Punjab Migrants (HSRPM) and subsequently, the respondent no.2/DDA to allot a flat in favor of respondent no.1 as expeditiously as possible. Learned Single Judge had also imposed cost of Rs.25,000/- on the appellant/GNCTD to be paid to respondent no.1.

6. In the year 1988, the respondent no.1 migrated from Punjab due to terrorist insurgency and after reaching Delhi, submitted the ration card of Punjab bearing no.3661 before the office of Deputy Commissioner, alongwith the photograph of the family as a proof for identification. Thereafter, he started living in the tent allotted to his family in one of the refugee camps namely Peeragarhi Relief Camp.

7. The HSRPM Scheme was introduced in the year 2000 as per the recommendations of NHRC to rehabilitate the migrants of Punjab. In view of the said Scheme, the respondent no.1 had made an application for allotment of a DDA flat and subsequently, had also filed a writ petition bearing W.P.(C) 5644/2015 for the said relief, which was disposed of by this Court *vide* order dated 28.01.2016 directing the appellant to decide the representation of respondent no.1. *Vide* letter dated 08.09.2017, the appellant rejected the said representation of respondent no.1 on the basis that, “*though the name of Sh. Baldev Raj S/o Sh. Kishan Chand does exist in the record but the rest of the*



details like address of Punjab, address of Peera Garhi Camp, name of the mother of the applicant and name of the wife of the applicant does not match with the original record available in this office”. Aggrieved thereof, the respondent no.1 filed the underlying writ petition.

8. The learned Single Judge after carefully perusing the entire records of the respondent no.1 and being satisfied as to the genuineness of the claim so made, came to the conclusion that the respondent no.1 is indeed a Punjab migrant and is entitled to the benefits under the HSRPM Scheme launched by the appellant. The said findings of the learned Single Judge as recorded in the impugned judgment dated 18.03.2025, read thus:-

“8. This Court has examined the documents placed on record by the Petitioner. It is apposite to set out the list of documents that have been placed on record which also form part of Written Submissions on behalf of the Petitioner and are set out below:

*“F. The records available with the Respondents and the documents available with the Petitioner clearly establishes that the Petitioner is a genuine migrant, who lived in peeragarhi refugee Camp and received financial assistance. **The Petitioner relies on the following documents to substantiate his entitlement for the HSRPM Scheme.***

1. Surrender Slip of Puniab Ration Card (Annexure P-3) (page no.31)

2. List prepared by Deputy Commissioner Delhi stating name of Migrants who surrendered their Ration card of Puniab, Showing name of the Petitioner and details of his family at Serial No. XVI (16) Annexure P-3 (Page no.36).

3. Tent allotment Slip issued by Deputy Commissioner relief Branch Showing tent bearing no. C-100 has been allotted to Petitioner in Peerarghi Camp (Annexure P-4) Page no.42.

4. Election ID card of the Petitioner Showing address of Peeragarhi relief Camp (Annexure P-4) Page no.44.

5. Front and Back Side of the Family Photograph giving details of the Petitioner and his family (Annexure P-5) Page no. 46



6. **Ration card issued by GNCT showing address and details of the family of the Petitioner Annexure P-6 (Page no.48)**

7. **Copy of receipt dated 15/07194 issued by Office of Deputy Commissioner, showing 1000 Rs received from GNCT as financial assistance. (Annexure P-7) Page no.50.**

8. **Copy of List of February 97 prepared and maintained with office of SDM showing name of Punjab migrants who received financial relief of RS. 1000. Name of petitioner is shown at serial no.23 of the said list Annexure P- 7.”**

[Emphasis Supplied]

8.1 Each of the documents mentioned hereinabove form part of the case file.

9. The record also shows that initially, a query was raised by the SDM (Punjabi Bagh) on 06.12.2007 about the Petitioner being part of the list of relief recipients maintained by District North-West for Punjab Migrants. The communication addressed by the office of the SDM (Punjabi Bagh) states that during scrutiny of documents, the name of the Applicant (Petitioner) did not appear in the list maintained by the office of the SDM, however there is a receipt from the Alipur Sub-Division of the Respondent/GNCTD which has been brought to the notice of the SDM (Punjabi Bagh). The communication thus seeks a confirmation as to whether the Petitioner was in receipt of relief or not.

9.1 This communication was replied to albeit after a lapse of almost 6 years by the Respondent (office of the Deputy Commissioner, North-West). The Respondent/GNCTD confirmed that as per the records, monthly pension has been paid to the Petitioner by its letter dated 01.02.2013. The relevant extract of this communication is below:

“ OFFICE OF THE DEPUTY COMMISSIONER (NW)

KANJHAWALA: DELHI-110081

NO. Fl. SDM/Riots/2011-12/108

Dated: 1/2/13

To,
SDM(Punjabi Bagh),
Main Rohtak Road,
Nangloi,
New Delhi.

Sub:- Regarding for issuance of recommendation letter in favour of Sh. Baldev Raj Mehta S/o Sh. Kishan Chand Mehta resident of Peeragarhi Relief Camp.'



Sir,

Please refer your letter No.F5/2005/SDM/(PB)/2879 dated:- 06/12/2007 it is submitted that Sh. Baldev Raj Mehta S/o Late Sh. Kishan Chand R/o P-18, Phase-I Budh Vihar, Near Ramlila Ground, Delhi- 110086 is a Punjab Migrant.

As per official records available in this office he has drawn Monthly pension of Rs. 1000/- for the month of February- 1997. (Photo copy of the bill enclosed for your ready reference).

Yours Faithfully,

Sd/

(KRISHAN LAL)

SDM/ROHINI/HQ”

10. Subsequently and as stated above, a similar confirmation of the Petitioner being part of the list of recommendees was also given in the minutes of meeting of 05.05.2017 as is extracted in Paragraph 5.2 above.

11. Given all the documents and clear admissions of the fact that the Petitioner was indeed a migrant under the rehabilitation for Punjab Migrants Scheme launched by the Respondents, the rejection of the representation of the Petitioner by the Respondent/GNCTD was not in accordance with the documents available on record.

12. The Impugned Order is set aside. Accordingly, the Petition is allowed.

13. The Respondent/GNCTD is directed to take appropriate steps in accordance with law within four weeks to prepare a certificate that the Petitioner is a part of the policy of Housing Scheme for Rehabilitation of Punjab Migrants (HSRPM) Scheme.

14. Subsequently, the Respondent/DOA shall take steps as expeditiously as possible, given the fact that the Petitioner has been waiting for this allotment for almost 30 years, not later than 4 months from the date the recommendation is communicated by Respondent/GNCTD.

15. The Petition is disposed of in the foregoing terms.

15.1 However, given the fact that the Petitioner has been litigating for more than 10 years to obtain relief, this Court deems it apposite to impose costs on Respondent No.1 payable to the Petitioner.

16. Accordingly, the Respondent/GNCTD shall make payment of costs in the sum of Rs.25,000/- directly to the Petitioner.”

9. Apart from noting the findings of the learned Single Judge, we also note



that the appellant does not dispute that respondent no.1 was indeed a migrant from the State of Punjab. The appellant also does not dispute the tent allotment slip issued by Deputy Commissioner as also the election card and the ration card issued by GNCTD in the name of the respondent no.1. That apart, the tent allotment slip essentially establishes that the said tents were allotted to 543 migrant families from Punjab in compliance of the orders of the Hon'ble Supreme Court. Thus, it is difficult to fathom as to how the respondent no.1 would not be a beneficiary of the Scheme.

10. In view of the said documents as well as the undeniable fact that respondent no.1 was indeed a Punjab migrant at the relevant point in time, we do not see any reason to interfere with the reasoning of the learned Single Judge in the impugned judgement dated 18.03.2025. Consequently, the present appeal fails and is thus dismissed.

11. We are informed that respondent no.1 has filed a contempt petition alleging willful violation of the directions contained in the impugned judgement against the appellant. Having regard to the overall circumstances of the case, we grant no more than 4 weeks time to the appellant as well as respondent no.2/DDA to comply with the directions in the impugned judgement.

12. Pending applications stand disposed of.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

JULY 31, 2025/rl