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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 3656/2024 & CM APPL. 15122/2024, CM APPL. 40295/2024

RAVI RANJAN SINGH .....Petitioner  
Through: Mr. R.K. Bali and Ms.Meghna  
Bali, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.  
.....Respondents  
Through: Ms. Prabhsahay Kaur, Standing  
Counsel for DDA with Ms.  
Deekha L. Kakar, Ms. Ananya  
Sahu and Mr. Rashneet Singh,  
Advs.  
Mr. Arjun Pant (ASC) with  
Ms. Latika Malhotra, Panel  
Counsel for DDA.  
Mr. Srinivas, Senior Law  
Officer/MoHUA.  
Mr. Kaushal Jeet Kait,  
Government Pleader for UOI.

**CORAM:**  
**HON'BLE MR. JUSTICE DHARMESH SHARMA**

% **ORDER**  
**17.12.2024**

1. Mr. Kaushal Jeet Kait, learned counsel for the Union of India submits that he has filed an affidavit on 13.12.2024. Although, the copies of the same have been shared with the other parties, the same is not on the judicial record. Hard copy of the same has been placed on the record. Let the same be digitized.
2. The crux of the affidavit filed by Ms. Garima Sharma, Under



Secretary, Ministry of Housing and Urban Affairs, Government of India, New Delhi [“**MoHUA**”] in terms of previous orders passed by this Court is delineated in paragraphs (4), (5) and (6) which read as under:

“4. That in the instant case the Petitioner has requested the Hon’ble High Court to direct the respondents not to disturb/demolish the Pakistani Hindu refugee camp at Majnu Ka Tila till some alternative piece of land is allotted to the residents in view of the policy of the government to give shelter to the non-Muslim minorities from the countries like Pakistan, Afghanistan and Bangladesh as per the Citizenship Amendment Act 2019 in the interest of justice and also direct to make embankments along the river Yamuna so that these types of colonies and religious structures may be protect as is the case of Akshardham Temple and Common Wealth Games Village and sanctity if the river Yamuna may also be maintained.

5. That the Land & Development Office (L&DO), MoHUA has already sanctioned additional allotment of land measuring about 59 acres on Yamuna River Front to DDA for further necessary action in this matter (**Annexure-1**).

6. That the Respondent No.2 (MoHUA) has no further direct role in the instant case and as such, it is only a **Proforma Party**. That in this case, Respondent No.1 i.e., Delhi Development Authority (DDA) has the main role and they will file their response accordingly.”

3. Mr. Kait has shown the copy of OM No.13028/12/2024-Delhi-I, dated 12.08.2024 whereby the Under Secretary, Government of India, Ministry of Home Affairs (UT Division) has communicated to the MoHUA that the present matter falls under Entry 18 of List-II of the Seventh Schedule to the Constitution of India and the land matters related to Delhi are dealt with by MoHUA, which is the Nodal Ministry and should deal with the matter.

4. The issue of providing social security to approximately 200 families of Pakistani Hindu migrants, comprising around 800 individuals, has been pending before this Court for a considerable period of time.



5. Ms. Prabhsahay Kaur, learned Standing Counsel for respondent/DDA<sup>1</sup> has invited the attention of this Court to an earlier order dated 29.05.2023 whereby the issue of social security to the aforesaid Pakistani Hindu migrants whose VISAS had expired, came to be dealt with by this Court. It would be expedient to refer to the relevant part of the order dated 29.05.2013 passed by this Court in W.P.(C) No. 3712/2013, which goes as under:

“Learned Additional Solicitor General appearing for the respondent has contended that the respondents are trying to help and extend support to the 482 Pakistani nationals. He contends that his instructions are as under:

2. In this context, it may be stated that in respect of Pakistani nationals belonging to minority communities in Pakistan who have come to India and have not gone back to Pakistan on the grounds of religious persecution, instructions have been issued by this Ministry to the State Governments/UT Administrations on 7.3.2012 to consider such cases in the light of the guidelines issued by the Government on 29.12.2011 to deal with cases of foreign nationals who claim to be refugees. The guidelines issued on 29.12.2011 stipulate that in case it is found that prima facie the claim of the foreign national regarding reasons for leaving the originating country is justified on the grounds of well-founded fear of persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion, the State Governments/UT Administration may recommend such cases to the Ministry of Home Affairs or Long Term Visa (LTV) after due enquiry. It is further provided that the Ministry of Home Affairs will consider all inputs and convey the final decision on grant of LTV to the State Governments/UT concerned.

3. Accordingly, in respect of the above mentioned specific cases of 480 Pakistani nationals, Ministry of Home Affairs (Foreigners Division) has requested the Govt. Of NCT of Delhi vide letter no. 16035/52/2013-F.III dated 12.4.2013 (copy enclosed) that the said Pakistani nationals may be advised to first apply for LTV. Government of NCT of Delhi has been further advised to examine the proposal for grant of LTV in the light of the guidelines issued on 29.12.2011 & 7.3.2012 and furnish

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<sup>1</sup> Delhi Development Authority



the inputs including a report from FRO, Delhi along with the requisite documents to the Ministry of Home Affairs for processing the cases.

4. Ministry of Home Affairs (Foreigners Division) is in constant touch with the DCP (Special Branch), Delhi Police who has been asked to ensure that procedural formalities for submission of applications for grant of LTV are completed so that the cases can be sent to the Ministry of Home Affairs through the Government of NCT of Delhi. DCP (Special Branch) has been making efforts in this regard. It has been reported that DCP (Special Branch) had arranged a camp at Bijwasan in Delhi where these 480 Pakistani nationals are staying for completion of documentation. While photographs have been taken, DCP (Special Branch) has reported lack of cooperation from the prospective beneficiaries in the completion of formalities and documentation. Proposals for grant of LTV to the 480 Pakistani nationals with all requisite documents have not been received in the Ministry of Home Affairs (Foreigners Division) from the Government of NCT of Delhi so far. The proposals will be processed by the Ministry of Home Affairs (Foreigners Division) expeditiously as soon as they are received from the Government of NCT of Delhi.

5. Chief Secretary, Govt. of NCT of Delhi has been requested to help arrange assistance like food items etc through NGOs/Red Cross and water supply at their place of stay. As per information available, certain steps have been taken by the Government of NCT of Delhi in this regard.

In view of the above, it is obvious that the respondents are taking steps to accommodate the said 482 Pakistani nationals in accordance with the Statutory provisions and necessary administrative instructions. In view of the said submissions of learned Additional Solicitor General, we see no reason to pass any further directions.

The present writ petition is accordingly dismissed.”

6. As nothing was done on the part of the Government in order to ameliorate the plight of the petitioners, the present writ petition has been filed, and this Court *vide* order dated 09.10.2024 took note of the directions which have been passed by the Principal Bench, National Green Tribunal from time to time for removing the encroachments on the Yamuna Flood Plain Zone falling in *Majnu Ka Tila*, whereat,



evidently, all these petitioners have been residing and the issue concerns their relocation to another safe place in order to fulfil the commitment made to them for providing them social security. It would be pertinent to refer to the relevant observations made by this Court *vide* order dated 09.10.2024, which go as under:

3. Learned counsel for the petitioner has pointed out that in the judgement of this Court titled **Nahar Singh v. Union of India** in W.P.(C) No. 3712/2013 dated 29.05.2013, it was directed that the primary responsibility of accommodating as many as 482 Pakistani nationals in accordance with the statutory provisions and necessary administrative instructions would be on the shoulders of the respondent No.2/UOI.

4. Having heard the learned counsels for the parties, it appears that the matter of the relocation of the said refugees is getting shuttled between the Ministry of Home Affairs and the Ministry of Housing and Urban Affairs. It is brought out that despite several opportunities, no substantive and/or workable decision has been taken by the respondent No.2/UOI so as to relocate the Pakistani refugees.

5. It is borne out from the record that the NGT is seized of the present matter and there are directions from the Supreme Court to the effect that the Yamuna flood plains be cleared of all encroachments so as to enable the concerned agencies to complete the process of rejuvenation and restoration of the Yamuna flood plains and river bed.

6. In the aforesaid circumstances, an explanation from the Ministry of Housing and Urban Affairs is called for.

7. Accordingly, notice be issued to the Secretary of the Ministry of Housing and Urban Affairs(MHUA), with the direction to ensure that an officer not below the rank of Joint Secretary or a Director appears before this Court on the next date of hearing, alongwith the relevant record, and explain as to the reasons for the delay in making a policy decision for the allocation of an appropriate site/place for the relocation of the refugees as also for providing other rehabilitation measures.”

7. It is pertinent to mention here that pursuant to the aforesaid order, Mr. Chetan Sharma, learned Additional Solicitor General appeared on 25.10.2024 along with Mr. Suvasish Das, IFS, Land and Development Officer, Ministry of Housing and Urban Affairs and assured that he would take up the matter with the Home Ministry and



would convene a meeting of the concerned parties including the DDA, so that some appropriate alternate accommodation is identified and allotted to the displaced people from Pakistan, either in Delhi or elsewhere.

8. In this context, the affidavit filed on behalf of the MoHUA introduces a new development, but unfortunately, it fails to provide any meaningful progress in resolving the matter. It is evident that the files have been circulating between the Ministry of Home Affairs and the MoHUA for some time, without any concrete decision being made.

9. In the aforesaid backdrop, since it is the stand of the MoHUA that about 123 acres of land has been placed at the disposal of the DDA in terms of letter dated 06.07.2004<sup>2</sup>, it would be appropriate that the Vice Chairman, DDA takes up the matter for consideration with His Excellency Lieutenant Governor of Delhi and an appropriate decision be taken, if need be, in consultation with the officials from the Ministry of Home Affairs and MoHUA. A report under the personal affidavit of the Vice Chairman, DDA be placed before this Court within four weeks from today.

10. Re-notify on 30.01.2025.

11. Interim orders to continue till the next date of hearing.

**DHARMESH SHARMA, J.**

**DECEMBER 17, 2024/sm**

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<sup>2</sup> No. L-III/8/3/35/243 dated 06.07.2004