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

\+ CM APPLs. 8669/2017, 17588/2017, 12479/2018 & 12438/2018 in W.P.(C)1951/2017

NATIONAL FEDERATION OF THE BLIND .... Petitioner

Through Mr.S.K.Rungta, Sr.Adv. with Mr.Shivankar Shukla, Adv. along with petitioner in person.
Ms.Meena Chaudhary, Adv. for applicants in CM Appls.12437-12438/2018.

versus

GOVT OF NCT OF DELHI AND ORS .... Respondents

Through Mr.Ramesh Singh, Standing Counsel with Mr.Chirayu Jain, Adv. for R-GNCTD.
Mr.Sanjeev Anand and Mr.Akshay Kapoor, Advs. for applicants in CM Appl.12479/2018.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

O R D E R

% 03.04.2018

CM APPL. 12479/2018 of the Blind Relief Association *(for urgent stay)*

1. These applications have been filed by the Blind Relief Association, Delhi complaining that on account of severe paucity of available seats as well as accommodation in the J.P.M. Sr. Sec. School for the Blind, LBS Marg, New Delhi, it is impossible for

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the institution to accommodate the student in terms of para 5 of Order dated 14th November, 2017.

2. This position is confirmed by Mr.Ramesh Singh, learned Standing Counsel for the GNCTD. Mr.Ramesh Singh further informs that so far as the students, who have gone to Class IX, are concerned, they stand placed and shifted to the J.P.M. Sr. Sec. School for the Blind, LBS Marg, New Delhi.

3. Mr. Ramesh Singh further submits that in view of the stated position, so far as the blind students who are studying in Class X to XII for the current academic year, for the time being, they have been permitted to continue to stay in the hostel facility at the Andh Mahavidyalaya School at Panchkuian Road. He submits that efforts are being made to trace out appropriate accommodation for these students. Therefore, with regard to the school-going students upto Class XII in the current session, efforts are being made to locate appropriate accommodation for them so that they can be shifted to such hostel facilities.

4. We take on record the statement made by Mr.Ramesh Singh, learned Standing Counsel for the GNCTD. The respondents shall remain bound by the same. In view thereof, the position recorded by us in para 5 of order dated 14th November, 2017 shall stand modified accordingly. As and when alternative accommodation is identified, this court shall be informed and appropriate orders with regard to the shifting of such students shall be made thereupon.

5. This application is disposed of in the above terms.

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CM. 12437/2018 *(for impleadment)* & CM. 12438/2018 *(for stay)*

6. By way of the present applications, the applicants make a request for impleadment in the present writ petition, which is concerned with claims of the National Federation of Blind for a plot of land which is in dispute with the Delhi Development Authority as well as for stay.

7. Some basic facts deserve to be noted. The Government of NCT of Delhi has been maintaining a school for the blind known as the Andh Mahavidyalaya at Panchkuian Road. It is an admitted position by all counsels who are present as well as the applicants that this school is only for students upto Class VIII. Apart from this school, the Government of NCT of Delhi is also maintaining an attached hostel for the school-going students. There is no dispute that the school & hostel are for students upto Class VIII. According to the respondents, the hostel is intended only for the persons who are students of the school.

8. It appears that once in occupation, the blind students refuse to vacate the hostel even after they have finished their Class VIII studies.

9. It appears that so far as occupants of the hostel facilities are concerned, it appears that the Principal of the school had issued an eviction notice dated 24th September, 2016 which was assailed by some of the occupants by way of WP(C)No.1723/2017, Harish Chandra vs. Lieutenant Governor and Ors.

10. This writ petition came to be dismissed by a ld. Single Judge of this court by the order dated 14th July, 2017 observing that

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petitioner had no legal right to stay in the hostel. However at the same time, the ld. Single Judge has observed that the respondents should spare no effort to ensure that an alternative accommodation is found for the petitioners and insofar as possible, they be relocated to other institutions. The ld. Single Judge, for this purpose, has granted four months time before enabling the respondents to take any coercive steps to evict the petitioners.

11. Time of four months granted by the learned Single Judge was expiring when the present writ petition was listed before us and following directions came to be recorded on the 14th November, 2017.

> *"4. The respondents before us appeared to have taken a proactive stand in the matter and had have made efforts to relocate the occupants.*
> *5. We are informed by Mr. Ramesh Singh, ld. Standing Counsel for the GNCTD that so far as blind students who are studying in Class IX to XII are concerned, status quo would be maintained regarding their stay in the hostel facility at the Andh Mahavidyalya School at Panchkuian Road for the current academic session. It is further stated that from the next academic session, they would stand transferred to the J.P.M. Sr. Secondary School for the Blind at Lodhi Road, New Delhi which is being run by the Blind Welfare Association which has the facility of hostel as well.*
> *These students therefore, would stand accommodated accordingly.*
> *6. With regard to the students who are college going, the respondents have suggested their accommodation at the College Going Blind Student Welfare Accommodation, Sewa Kutir at Kingsway Camp, Delhi which is being maintained by the Directorate of Social Welfare for the Blind.*

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7. We direct the Director of Social Welfare for the Blind to forthwith make appropriate arrangements for the accommodation of the college going blind students, who have to be accommodated from the Andh Mahavidyalya, Panchkuian Road, New Delhi.

8. The list of such students stands enclosed with the Local Commissioner's report dated 25th May, 2017.

9. The other blind persons, who have continued occupancy at Andh Mahavidyalya, Panchkuian Road and finished their education, have to vacate the premises in terms of the notice of eviction as well as court order dated 14th July, 2017.

10. Mr. Ramesh Singh, ld. Standing Counsel for the GNCTD submits that arrangements are being worked out for accommodating these occupants at the Narela Shelter Home for the Blind which is maintained and operated by the National Association for the Blind.

11. ***Mr. S.K. Rungta, ld. Senior Counsel for the petitioner*** *submits that, on his inquiry, he has been informed that only one blind person can be accommodated at the Narela Shelter Home. Mr. Rungta, however,* ***informs this court that arrangements have been made to accommodate these persons at the National Facility for the Blind which is maintained by the National Federation of Blind at Faridabad and that these persons would be accommodated therein forthwith.***

12. It would therefore, appear that all the occupants of the Andh Mahavidyalya, Panchkuian Road would have been accommodated and the court order dated 14th July, 2017 passed by the learned Single Judge in W.P.(C) 1723/2017 would stand complied with."

Emphasis by us

12. We are informed by Ms.Meena Chaudhary, Advocate that some of the applicants are over 50 years of age. They have,

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therefore, continued in illegal occupation of the hostel facilities intended for small blind students who were studying upto Class VIII only and who have thus been deprived of valuable hostel facilities critically needed for young blind students. These applications have been filed by persons who were thus, rank encroachers in the hostel facilities at Andh Mahavidyalaya at Panchkuian Road.

13. We are informed by Mr.Ramesh Singh, learned Standing Counsel for the GNCTD that one of the illegal applicants, namely, Mr.Vivek Prajapati, has voluntarily vacated the hostel facilities at Panchkuian Road while two of the applicants, namely, Mr.Virender Kumar and Mr.Laxman Pandey (applicant No.23 and 26, respectively), sought the assistance of the respondent No.1 to relocate to the facilities of the National Federation of the Blind at the Faridabad.

14. We are further informed by Mr.S.K.Rungta, learned senior counsel for the petitioner that the National Federation of Blind had made elaborate arrangements to accommodate all the applicants including ensuring provision of food and all other requirements.

15. In view of the nature of the issues which are under consideration, the applicants are not necessary and proper parties for the purpose of the present writ petition.

16. Mr.Ramesh Singh, learned Standing Counsel has informed us that pursuant to the eviction of the unauthorised occupants, available accommodation in the Andh Mahavidyalaya at Panchkuian Road had been made available to accommodate bona

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fide students of the school who are in dire need of the accommodation.

17. We express no opinion on this plea made by the applicants. It is open for the applicants to seek appropriate remedy as the applicants may be advised.

18. We may note that we permitted the eviction of the applicants only after being fully satisfied that reasonable, appropriate and safe accommodation was being ensured under the expert able guidance and supervision of Mr.S.K.Rungta, the General Secretary of the National Federation of Blind.

19. As noted above, the National Federation of the Blind with the active intervention of Mr.S.K.Rungta, learned senior counsel for the petitioner, who is also the General Secretary of the organisation, has made elaborate arrangements to facilitate the relocation of the applicants as well as other persons who have been shifted from the Andh Mahavidyalaya at Panchkuian Road.

20. We are informed by Mr.Ramesh Singh, learned Standing Counsel that for the almost 30 years of unauthorised occupation of the hostel facilities, none of the applicants have paid a single penny to the authorities in terms of rent. They have also availed free food, lodging, washing of clothing facilities, etc.

21. Mr.Ramesh Singh, learned Standing Counsel has assured Mr.S.K.Rungta, learned senior counsel for the petitioner that in any case, applicants need any help in shifting, the same shall be ensured to them.

22. Mr.S.K.Rungta, learned senior counsel for the petitioner has

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also assured us that the gates of the National Federation of Blind are always open and the applicants can avail the facilities at Faridabad at any time.

23. It is contended by Ms.Meena Chaudhary, Advocate that the applicants have a legal right to be accommodated only in Delhi itself and cannot be called upon to shift to Faridabad.

24. We have also noted that some of the inmates who have been evicted have opted to be shifted to the accommodation which has been made available by the petitioner.

25. In view of the above, the application for impleadment is dismissed. In view of the orders passed by us, the application for stay does not survive for adjudication and accordingly disposed of.

26. List on 1st May,2018.

Dasti under the signature of Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

APRIL 03, 2018
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