

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6029 of 2008

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JAN SANGHARSH MANCH - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)
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Appearance :

MR SUBRAMANIAM IYER for Petitioner(s) : 1,

MR NJ SHAH ASST. GOVERNMENT PLEADER for Respondent(s) : 1

,
MR PRANAV G DESAI for Respondent(s) : 2,

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CORAM : HONOURABLE THE CHIEF JUSTICE MR. S.J. MUKHOPADHAYA
and
HONOURABLE MR.JUSTICE ANANT S. DAVE

Date : 11/01/2010

ORAL ORDER

(Per : HONOURABLE THE CHIEF JUSTICE MR. S.J. MUKHOPADHAYA)

The petitioners, a Civil Rights Organization, approached this Court for protection of human and civil rights of downtrodden persons, who were alleged to be encroacher over Government land. A Bench of this Court after hearing the parties earlier passed the following order:

At the outset, it is brought to our notice that now a scheme has been introduced by the Ministry of Housing and Urban Poverty Alleviation, Government of India, namely Jawaharlal Nehru National Urban Renewal Mission under which the disputes of the present nature can be settled between the parties. In view of the scheme framed by the Government of India, both the parties have arrived at a settlement, which reads as under:-

1. The scheme is known as Jawaharlal Nehru National Urban Renewal Mission (in short NURM). A copy of the scheme is annexed herewith.
2. Under the aforesaid scheme in the first phase, around 6668 residential houses for the slum dwellers will be built in the city of Vadodara, by the Vadodara Municipal Corporation. These houses will be built at (i) Kishanvadi Ajwa Road, (ii) Akota (iii) Karelibaug and (iv) Vasna.
3. The area of the house will be 25.64 sq.mtrs. - four storied apartment.
4. The cost of the house will be Rs. 1.28 lacs. 50% cost to be borne by the Central Government, 20% cost to be borne by the State Government, 18% cost to be borne by the beneficiary and 12% cost to be borne by the Municipal Corporation.
5. The hutment dwellers covered in the present petitions if they fall under the scheme will be extended the benefits of the aforesaid scheme and they will be provided alternative residential accommodation as per the above scheme at the earliest as per the terms and conditions.
6. The hutment dwellers shall vacate and remove all the household goods on or before 31.3.2007. However, in case of genuine difficulty, the hutment dwellers shall be at liberty to apply.

The aforesaid settlement terms have been reduced into writing and signed by the counsel for both the sides. That be taken on record.

In view of the aforesaid settlement arrived at between the parties, nothing survives in these petitions. The petitions stand disposed of accordingly.

In view of this, the Civil Applications for vacating interim relief also stand disposed of.

Subsequently, when it was observed that after the Court's order, hutment dwellers have been evicted from the land in question, but alternative residential accommodation has not been provided as per the scheme. In reply the respondent No.2, the Executive Engineer of the Corporation has made the following statement:

With reference to para 2 of the petition, it is not correct to say that there is any alleged inaction on the part of the respondent No.2 Corporation in constructing residential houses at Karelibaugh area of Vadodara City for the hutment dwellers as per the orders of this Hon'ble Court as alleged. It is submitted that the order passed by the Division Bench of this Hon'ble Court pertains to construction of 6668 residential houses for the slum dwellers under the Scheme known as Jawaharlal Nehru National Urban Renewal Mission. Out of the same, approx. 5392 houses will be completed on or about April 2010. So far as the 4 plots in the area of Karelibaugh are concerned, out the same 2 plots are vacant and only on 2 plots there are approx. 28 hutment dwellers and they are still residing therein. They will be accommodated in Phase-III of the project whereby construction of the houses will be carried out in the areas such as Bapod, Tarsali etc. and the said Phase-III is likely to be completed on or December 2011. Phase-I is going to be completed whereby as stated above approx.5392 houses will be completed by April 2010. So far as Phase-II is concerned, the work order for construction of the house of said Phase-II has been issued on or about February 2009 and the said Phase-II is likely to be completed by end of August 2010. It is not correct to say that there is any alleged inaction on the part of the respondent NO.2 Corporation in constructing residential dwellings as alternative accommodation to the poor hutment dwellers as alleged. It is submitted that the respondent Corporation is undertaking the construction of the units under the above mentioned Scheme, Jawaharlal Nehru National Urban Renewal Mission which is even more than 6668 units

which is referred to in the order of the Division Bench of this Hon'ble Court enclosed at page 18 of the paper book. As stated above, the said construction is being carried out in Phase-III. So far as Phase-I is concerned, approx.5392 houses will be completed on or about April 2010. So far as phase-II is concerned, total houses to be constructed will be 5664 and as stated above, the said Phase-II is likely to be completed in or around end of August 2010. So far as Phase-III is concerned, the estimate of the construction is of approx.6096 houses which will include 1280 houses of the concerned area of Karelibaugh and the said construction is likely to be completed by end of December 2011.

When the case was earlier taken up, Mr. Pranav Desai, learned counsel appearing for Vadodara Municipal Corporation, submitted that Jawaharlal Nehru National Urban Renewal Mission (JNURM) Scheme is likely to be completed, and housing units with all infrastructure will be allotted in a phased manner to the beneficiaries by June, 2010. In reply dated 8th January, 2010 filed on behalf of respondent No.2 following statements have been made:

It is submitted that all the petitioners of Special Civil Application NO.21829/2005, 21963/2005, 21964/2005, 21966/2005, 24123/2005, will be accommodated in the housing scheme under the Jawaharlal Nehru National Urban Renewal Mission (JnNURM) by the end of June 2010.

In view of the aforesaid statement made by respondent No.2, and the specific stand taken by them that the persons, on whose behalf Special Civil Applications were preferred, will be accommodated as per the housing scheme by the end of June, 2010, we direct the respondents to adhere to their undertaking and ensure accommodations to such persons by July 2010. The Special Civil Application stands disposed of. No cost.

[S.J. MUKHOPADHAYA, C.J.]

[ANANT S. DAVE, J.]