



2025:DHC:4642



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

% **Judgment reserved on: 22 May 2025**
Judgment pronounced on: 30 May 2025

+ 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, SC with
Ms. Deeksha L. Kakar, Mr.
Aditya Verma, Mr. Rashneet
Singh, Ms. Sana Parveen, Advs.
for R-1/DDA with Mr. Bijendra
Kumar/DD and Mr.
Kamleshwari Pandit/Naib
Tehsildar.
Mr. Arnav Kumar, CGSC with
Ms. Savi Garg, Adv. for
R2/UOI/Ministry of Home
Affairs.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

J U D G M E N T

1. The petitioner herein, who appears to be a public-spirited person, has espoused the cause of approximately 800 Hindu refugees from Pakistan, by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, 1950, to seek the following



3. On the strength of the order dated 29.05.2013 passed in *Nahar Singh (supra)*, the petitioner contends that the primary responsibility to accommodate the said group of Hindu Pakistani refugees rests on the shoulders of the respondent No.2/ Union of India. In the said backdrop, the petitioner is now seeking directions for allotment of an alternate accommodation for the said refugees, who are presently residing at a “refugee camp” in *Majnu ka Tila*, which admittedly falls in Zone ‘O’ of the MPD-2021 i.e., the Yamuna Floodplains.

4. When the present writ petition was initially entertained, this Court granted interim relief to the petitioner herein *vide* order dated 12.03.2024 thereby restraining the respondent no.1/Delhi Development Authority [‘DDA’] from taking any coercive action against the petitioner. The relevant portion of the order dated 12.03.2024 is reproduced hereinbelow:

“3. The present petition has been filed seeking directions against the respondents not to disturb/demolish the Pakistani Hindu Refugee Camp at Majnu Ka Tilla, till some alternative piece of land is allotted to them especially in view of the Citizenship Amendment Act, 2019, which has already been passed by the Government of India, through which, the Government of India wants to give shelter to the persecuted Non-Muslim minorities from Pakistan, Afghanistan and Bangladesh.

4. Learned counsel appearing for the petitioner submits that Public Notice dated 04th March, 2024 was pasted in the area asking the residents to vacate the place by 06th March, 2024, failing which the respondent will demolish their Camp.

5. It is submitted that the Pakistani Hindu Refugees have been living at Majnu Ka Tilla since many years, with basic facilities being provided by the authorities. It is submitted that their children are studying in the nearby Government Schools and their examinations are in progress at present.

6. Attention of this Court has also been drawn to the order dated 29th May, 2013 passed in W.P. (C) No. 3712/2013, wherein statement was made on behalf of Central Government regarding extending



support to the Pakistani Nationals belonging to the minority communities.

7. Issue Notice. Notice is accepted by learned counsel appearing for the respondent-Delhi Development Authority (“DDA”).

8. She submits that an order dated 29th January, 2024 has been passed by the National Green Tribunal (“NGT”), in Execution Application No. 22/2023 in Original Application (“O.A.”) No.622/2019, wherein, it has been directed that all the encroachment on the Yamuna Flood Plain Zone adjacent to South of Gurudwara Majnu Ka Tilla on Yamuna River Belt in Delhi, be removed. She further submits that cost has also been imposed upon the DDA and the DDA is bound to follow the judicial orders.

9. Learned Standing Counsel appearing for the DDA also relies upon the order dated 17th October, 2019 passed by the learned NGT, wherein, the DDA has itself brought to the notice of the NGT, the order dated 29th May, 2013 passed in W.P.(C) No. 3712/2013. Thus, she submits that though the DDA may have all the sympathies with the petitioner, however, the DDA is bound by the various directions that have passed by the learned NGT.

10. She further submits that the Union of India had made a statement in the aforesaid petition, i.e., W.P.(C) No. 3712/2013 that the Union of India shall extend all the support to the Pakistani nationals belonging to minority communities, who have come to India and have taken refuge here.

11. Considering the submissions made before this Court, this Court is of the opinion that the Union of India is a necessary party before this Court. Accordingly, Union of India is impleaded as respondent no.2 in the present petition. Let amended Memo of Parties be filed within a period of three working days.

12. Issue notice to Union of India, through its Standing Counsel, returnable on 19th March, 2024.

13. Considering the statement made on behalf of the then Additional Solicitor General of India, as recorded in order dated 29th May, 2013 in W.P.(C) No. 3712/2013 that the Union of India shall make endeavor to extend all support to the Hindu Community which has entered India from Pakistan, it is directed that no coercive action shall be taken against the petitioner, till the next date of hearing.”

[bold emphasis supplied]

5. It is a matter of record that the respondent No.2/Union of India did not file a reply or counter-affidavit to the present petition despite



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being granted several opportunities. This led to the respondent No.1/DDA filing an application bearing CM APPL. 40295/2024 *inter alia* seeking vacation of the stay granted by this Court *vide* order dated 12.03.2024. By way of the said application, the respondent No.1/DDA apprised this Court of the various orders passed by the National Green Tribunal [‘NGT’] in O.A. No. 622/2019 titled “*Jagdev v. Lieutenant Governor of Delhi & Ors.*”, whereby the DDA is being repeatedly directed to remove all encroachments in the area of *Majnu ka Tila* falling in the Yamuna floodplains, where the Hindu migrants from Pakistan are presently residing.

6. When the said application came up for consideration on 10.09.2024, this Court took note of the piquant position in which the respondent No.1/DDA found itself, inasmuch as this Court had granted interim protection to the petitioner against any coercive action, whereas on the other hand, the National Green Tribunal was exerting considerable pressure on the DDA to proceed with the removal of the said refugees from the floodplains area. Accordingly, *vide* order dated 10.09.2024, this Court directed the respondent No.1/Union of India to take appropriate action at the earliest as regards the relocation and rehabilitation of the refugees to some place outside the Yamuna floodplains, in view of the fact that the NGT had totally prohibited the occupation of the Yamuna floodplains for residential purposes.

7. In the interregnum, the matter was shuttled between the Ministry of Home Affairs and the Ministry of Housing and Urban Affairs [‘**MoHUA**’]. However, since no effective decision was being taken by either Ministries so as to ameliorate the plight of the Pakistani Hindu



refugees, this Court *vide* order dated 09.10.2024, was constrained to issue notice to the Secretary of the MoHUA to explain the reason 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.

8. On 25.10.2024, Mr. Chetan Sharma, learned Additional Solicitor General, appeared alongwith Mr. Suvasish Das, IFS, Land and Development Officer, MoHUA, and assured this Court that the present matter would be taken up with the Ministry of Home Affairs, and a meeting of the concerned parties including the officials of the DDA would be convened so that an appropriate policy decision may be taken as regards the issue of grant of alternate accommodation to the said group of displaced persons from Pakistan.

9. Thereafter, the situation got bleaker for the petitioner when an affidavit by the Under Secretary, MoHUA came to be filed on 13.12.2024 the relevant portion of which reads 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.



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That in this case, Respondent No.1 i.e., Delhi Development Authority (DDA) has the main role and they will file their response accordingly.” [bold emphasis supplied]

10. Accordingly, this Court *vide* order 17.12.2024 directed the Vice Chairman, DDA to take up the issue of the relocation and rehabilitation of the Pakistani refugees with His Excellency, The Lieutenant Governor of Delhi and pass an appropriate decision, if need be, in consultation with the concerned officials of MoHUA. Unfortunately, the said efforts bore no fruit as apparently, no one on behalf of the Ministry of Home Affairs attended the meeting convened by the Vice Chairman, DDA to take a decision on the matter of the rehabilitation of the said displaced persons.

11. On 28.03.2025, Mr. Chetan Sharma, learned Additional Solicitor General, sought three weeks’ time on behalf of the Ministry of Home Affairs, to come out with a final course of action to be adopted in the present case. Pursuant thereto, the Under Secretary, Ministry of Home Affairs, filed a short affidavit dated 20.05.2025, alluding to the *proviso* to Section 2(1)(b) besides Section 6B of the Citizenship (Amendment) Act, 2019 [‘CAA’], and stating as under:

“10. The Citizenship Amendment Act, 2019 enables grant of Indian citizenship to foreigners who belong to Hindu, Sikh, Buddhist, Jain, Parsi or Christian communities from Afghanistan, Pakistan and Bangladesh who have entered into India on or before 31.12.2014 due to persecution or fear of persecution on grounds of religion in their country by granting them relaxation in statutory conditions and adopting a faster route.

11. Any eligible foreigner may apply for grant of Indian citizenship under the provisions of the Citizenship Amendment Act, 2019 and Rules made thereunder through the online portal <https://indiancitizenshiponline.nic.in>. Once granted citizenship under the Citizenship Amendment Act, 2019, such foreign national



will be entitled to all rights and benefits that are available to an ordinary Indian citizen.

12. Consequently, in view of the above, no further intervention is required from the side of Ministry of Home Affairs for framing any larger policy or guidelines for rehabilitation of these Pakistani Hindu migrants. The same has been addressed by the provisions of the CAA, 2019.

13. Lastly, with regard to the relocation of the Pakistani Hindu migrants, it is respectfully submitted that the same does not fall within the domain of Ministry of Home Affairs, and the same has to be undertaken by the concerned land-owning agency.”

[bold emphasis supplied]

ANALYSIS AND DECISION

12. All said and done, having finally heard the learned counsels for the parties and on perusal of the record, this Court has no hesitation in holding that the petitioner herein is not entitled to the reliefs sought by way of the present petition. **First and foremost**, the order dated 29.05.2013 passed in *Nahar Singh (supra)* does not contain any direction to suggest that an alternate accommodation was promised to the said group of refugees by the Government of India, or that they were entitled to such allotment, thus, the petitioner herein cannot seek alternate accommodation as a matter of legal right.

13. Upon a careful perusal of the instructions given by the Union of India to the learned Additional Solicitor General in *Nahar Singh (supra)*, which were reproduced in the order dated 29.05.2013, it appears that support and assistance was stated to be provided to the said refugees by the Union of India, to the limited extent that their respective applications for the grant of a Long Term Visa [‘LTV’] could be submitted successfully and be decided by the Ministry of Home Affairs as expeditiously as possible. Furthermore, it seems that even the



facilities such as water supply and food supply were intended to be provided by the Government of India at the place of stay of the said refugees only until the completion of the procedural formalities for the grant of their LTV. Thus, the order dated 29.05.2013 passed in *Nahar Singh (supra)* on which much mileage has been sought to be drawn by the petitioner, unfortunately does not come to his rescue in any manner.

14. Additionally, it must also be stated that even under the “Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015” formulated by the Delhi Urban Shelter Improvement Board [‘**DUSIB**’], GNCTD, any person sought to be relocated and rehabilitated must first and foremost be a citizen of India to become eligible for the allotment of alternate dwelling units. In view of the aforesaid, the position that emerges is that the Pakistani refugees cannot be rehabilitated under the DUSIB Policy on account of their foreign nationality status.

15. In the said circumstances, this Court has impressed upon the petitioner as well as the other refugees to firstly acquire Indian citizenship by way of registration or naturalisation by submitting an application under Section 10A of the CAA, 2019 which can even be done online with ease, as aforementioned. If need be, the aggrieved parties can approach the Member Secretary, Delhi State Legal Services Authority to comply with the necessary legal formalities.

16. Needless to state, the effect of the acceptance of such an application would be that the aggrieved refugees shall be deemed citizens of India and would be able to enjoy all rights and benefits available to any ordinary citizen of India. It is undeniable that even Indian citizens cannot claim alternate allotment as an absolute right,



particularly in cases where the land they occupy falls under specially prohibited areas like Zone 'O' of Delhi, i.e., the Yamuna floodplains."

17. At the cost of repetition, it is an admitted position that the camp set up by the refugees in question is situated in the Yamuna floodplains area. At this juncture, it would be apposite to note that the NGT *vide* order dated 13.01.2015 passed in O.A. No. 06/12 titled "**Manoj Mishra v. Union of India**", has issued stringent and robust directions to several governmental agencies like the DDA, to repossess those areas being part of the floodplains that are under the unauthorised occupation of any person/body, and thereafter take steps to restore the ecological health of the river Yamuna.

18. Even in OA No. 21/2023 titled "**Ashwani Yadav v. Government of NCT of Delhi**", the directions of the NGT have been categorical to the effect that Zone 'O' has to be ridden of all kinds of encroachment, be it commercial, residential, or otherwise. In fact, on several occasions thereafter, the NGT has reiterated that the floodplains of Yamuna should not be permitted for construction, occupation, habitation etc. and it is the duty of the DDA to maintain the natural features and ecology of the Yamuna floodplains.

19. In fact, a Division Bench of this Court in the case of **Court on its own motion v. Union of India**¹, has also issued several directions to the DDA, aimed at the restoration and ecological rejuvenation of the Yamuna Floodplains, which read as under:

"20. DDA in coordination with all concerned agencies is hereby directed to ensure removal of encroachments from Yamuna River Flood Plains. Delhi Police shall provide necessary force to

¹ 2024 SCC OnLine Del 2675



the DDA as and when requested, to maintain law and order during such encroachment removal drives to remove encroachment from Yamuna Flood Plains.

21. Further, DDA shall submit an action taken report on development of ten bio-diversity parks / wetland areas in Yamuna River Flood Plain including an action plan with timelines for completion of pending projects. Cities and Towns around India, which have been developed along rivers, are doing horticulture and green development of river fronts for their citizens as symbols of urban pride.

22. DDA shall explore green horticultural development of river fronts and recreational zones with public amenities to increase public participation and awareness about rejuvenation of River Yamuna in accordance with extant guidelines.

23. It is necessary to do green development of the banks of the Yamuna as wetlands and public spaces, parks for open green spaces, access to civic amenities, zones of entertainment or playgrounds for the children. This will lead to buy-in by the common citizen, a sense of ownership and consequent pressures on the authorities to ensure maintenance. All this will go hand in hand with ecological restoration, maintenance, and protection of the flood plains.

24. A large number of religious devotees pray at different locations, discharging solid waste in the river water, adding to an already serious problem. Recognising this need of the residents of the State, DDA should construct select number of ghats or platforms on stilts along the riverbank, for such purposes to ensure that the devotees get space and the authorities are able to deal with the challenge of waste scientifically.”

20. Ms. Prabhsahay Kaur, learned standing counsel for the respondent No.1/DDA, has also placed reliance upon another decision of a division Bench of this Court dated 08.07.2024 in W.P.(C) 8035/2024 titled “**Shabnam Burney v. Union of India**” which reads as under:

“1. Present writ petition has been filed by the petitioner seeking directions to demolish the unauthorized construction carried out by respondent nos.7 & 8 on Yamuna River Bank. Petitioner further seeks a direction to the respondents to take steps to prevent illegal construction on Yamuna river bank and floodplains in the near future.



2. Learned counsel for petitioner states that the illegal construction in question has been going on without any permission or regard for the environmental concern. He further states that the impugned illegal construction will endanger the ecologically fragile Yamuna floodplains. He also states that the illegal and unauthorized construction carried out by respondent nos.7 & 8 is causing air pollution in the area and is further leading to respiratory problems due to presence of huge dust particles. He states that building / dwelling house or any other construction in the floodplains endangers the lives of people living in or using the same during the monsoon season.

3. Learned counsel for the respondents admit that the floodplain area is a prohibited activity zone and an important component of a river ecosystem. They further admit that encroachment in this area leads to diversion of water leading to floods in adjacent areas. They point out that many experts believe that floods in Delhi are manmade as they have been caused primarily due to encroachment of drains, river banks and river beds, thereby restricting the flow of water to Yamuna and in Yamuna.

4. Learned counsel for the respondent no.5/GNCTD and respondent No.6/Delhi Police further states that a number of representations with regard to illegal and unauthorized construction on the Yamuna River Bank have been forwarded to DDA and MCD for necessary and appropriate action. He further states that though the present writ petition is confined to Shaheen Bagh area, this Court should pass directions for removal of illegal constructions and encroachments in the entire Yamuna river bank, river bed, drains and floodplains area. He also states that all necessary assistance shall be provided by the Delhi Police for removal of encroachment and unauthorized construction on river bank, river bed and drains.

5. Learned counsel for the MCD states that urgent action is required in this matter. He states that as the Vice Chairman is the senior-most officer amongst the heads of the MCD, PWD, Irrigation and Flood Control Department and DMRC, it would be appropriate if the Vice Chairman, DDA is appointed as the Nodal Officer and directed to remove all the illegal, unauthorized construction as well as encroachment on the Yamuna river bank, river bed and floodplains. He assures and undertakes to this Court that the MCD would cooperate with DDA and DMRC in removing the encroachment and illegal construction.

6. Keeping in view the aforesaid, this Court directs the Vice Chairman, DDA, to remove all encroachments and illegal



construction on the Yamuna river bank, river bed and drains flowing into river Yamuna. He is also appointed as the Nodal Officer and shall coordinate with officials of MCD, Delhi Police, DMRC, Irrigation and Flood Control Department, PWD, Delhi Pollution Control Board and Forest Department. The Vice Chairman, DDA shall convene a meeting of all the concerned officials within a week.”

21. In view of the foregoing discussion, there remains no doubt that protecting the ecologically sensitive Yamuna floodplains is necessary, not only from an environmental standpoint but also in compliance with the categorical and consistent directions of the Supreme Court, the NGT, as well as this Court. These directives aim to preserve ecological integrity and secure the fundamental human right to a clean and healthy environment for the residents of Delhi and future generations.

22. Given the critical condition of the Yamuna River, this Court unhesitatingly finds that no interference with the ongoing restoration and rejuvenation efforts of the river can be countenanced at the petitioner's instance. This stance holds irrespective of any humanitarian or sympathetic considerations advanced before the Court, as such indulgence would inevitably obstruct and delay the timely and effective implementation of the aforementioned public projects.

23. Notwithstanding the above, this Court made sincere efforts to engage with the concerned authorities to facilitate the rehabilitation and relocation of the refugees. However, these efforts have been unfruitful, seemingly due to a classic case of bureaucratic buck-passing, particularly on the part of the respondent no. 2/ Union of India. Nevertheless, this Court cannot undertake the exercise of framing a policy to ameliorate the plight of the refugees.

