

\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12416/2021 and CM APPL. 39039/2021, 54355/2022**
VASANT VIHAR WELFARE ASSOCIATION
& ANR. Petitioners

Through: Mr. Hrishikesh Baruah and Mr.
Shahrukh Ejaz, Advocates (M-
7838390214).

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Santosh Kumar Tripathi, Mr Arun
Panwar, Ms. Mahak Rankawat,
Advocates for GNCTD.
Mr. Amit Peswani Advocate for Ms
Nandita Rao ASC CRL for State with
Inspector K.P. Shah SHO Vasant
Vihar (M: 9971479575).
Ms. Malvi Balyan, Advocate for Ms.
Sangeeta Bhart, SC, DJB/R-6.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 09.02.2023

1. This hearing has been done through hybrid mode.
2. Vide order dated 4th January, 2023, the Delhi Police was directed to file a status report in respect of the situation around the area in front of the office of the UNHCR. The said order reads as:

2. This is a fresh application on behalf of the Petitioners pointing out that the squatting and dwelling in temporary structures like tents by refugees and asylum seekers has continued. They are occupying the area outside the United Nations High Commissioner for Refugees (UNHCR) building in the Vasant Vihar area of Delhi. The Petitioners claim that this is causing considerable disturbance to the local residents.

3. Issue notice to the Delhi Police through Mr. Sanjay Lao, Id. ASC (Criminal), who would file a status report keeping

in mind the previous orders passed by this Court in W.P.(C) 9393/2021 (pages 119 to 126). Let the status report be filed at least one week before the next date of hearing. It shall be ensured that the status as recorded in the order dated 7th September, 2021, which specifically notes the submission that the road outside the UNHCR building has been cleared, is maintained. The said order is extracted below:

“1. The present petition was filed by the Vasant Vihar Welfare Association with a grievance that foreign nationals/refugees were gathering outside the office of the United Nations High Commissioner for Refugees (UNHCR) at B block, Vasant Vihar, New Delhi since 16.08.2021, causing great inconvenience to the residents.

2. Learned counsel for the petitioner submits that after the filing of the present petition, the road outside the UNHCR building in Vasant Vihar has been cleared and, therefore, the primary grievance of the petitioner stands satisfied. He, therefore, does not press the present petition, but seeks liberty to approach the Court, if the need so arises, in the future.

3. The petition is dismissed as withdrawn. Needless to state that, in case, the petitioner has any grievance in future it will be open for the petitioner to take legal recourse as permissible in law.”

4. List on 9th February, 2023, the date already fixed.”

3. In compliance with the said order, the SHO of PS: Vasant Vihar has filed the status report. The said status report reads as:

“1. It is humbly submitted that since last 04 months total 06 foreign nationals had gathered and started living just in front of United Nations High Commissioner of Refugees (UNHCR) Office situated at B-2/16, Vasant Vihar, New Delhi and holding protest. The above Refugee were demanding resettlement to a third country by reopening their closed cases, issuing support letter and financial assistance to cover their essential services from UNHCR. The above Refugees were protesting just

outside the office of UNHCR. The petitioner had claimed that the above continuous gathering and encroachment by the above refugee protester has been causing continuous nuisance to the residents and posing threats to the health, sanitation and peace of the local residents of locality.

2. The UNHCR officials met the above 06 refugees and provided necessary assistance and now 03 refugees had left the above place. Only 03 refugees are protesting at above place.

3. To maintain the law and order, round the clock Rajasthan Armed Constabulary staff along with private Security Guards are deployed at the above place. It is ensured that, the above Refugees wear mask and maintain social distance and the other Covid 19 protocol of the government.

4. It is submitted that no prior permission of Delhi Police has been sought by the above refugees.

5. It is submitted that Respondent No 3 as in duty bound, shall abide by any orders or directions of this Hon'ble Court in this regard.”

4. Mr. K.P. Shah, who is the SHO of Vasant Vihar has appeared before the Court to apprise the Court about the manner in which refugees continuously occupy the space in front United Nations High Commissioner of Refugees (UNHCR) building. He submits that despite repeated efforts by the police, the influx of refugees is difficult to control owing to the fact that some of the senior officials of the UNHCR are stationed in the building in Vasant Vihar. It is his submission that the UNHCR officials at the Vasant Vihar office are the ones who address the grievances of various refugees from countries such as Afghanistan, Yemen, Nigeria, Burma, Uganda and even from Tibet.

5. The S.H.O. has also informed that whenever refugees are removed from

the area immediately thereafter, there are other refugees who occupy the said space. He submits that the UNHCR has an office in Janak Puri as well, where there is a space for refugees to raise their grievances. It is his submission that since no senior officials of UNHCR are stationed in the Janak Puri office, there is a tendency for refugees to come and occupy the space in front of the Vasant Vihar office.

6. Mr. Baruah, Id. Counsel submits that whenever the police has moved the refugees out of the area occupied by them, other refugees do come on a regular basis. He also submits that the safety and security of the residents is also jeopardized as the refugees tend to stay even throughout the night in the residential colony. This fact is disputed by the S.H.O.

7. Considering the nature of the matter, this Court is of the opinion that this issue would be required to be taken up at a higher level by the Ministry of External Affairs and the Ministry of Home Affairs i.e. Respondent Nos. 1 and 2 respectively.

8. Accordingly, it is directed that the concerned Joint Secretary dealing with the UNHCR on a regular basis in the Ministry of External Affairs shall hold a meeting with all the concerned officials. If required, the said official may even interact with the UNHCR representatives and suggest a solution to the issue which has been raised in this petition.

9. Copy of this petition along with the order passed today shall be communicated to the concerned Joint Secretary in the Ministry of External Affairs by Respondent Nos. 1 and 2.

10. List for receipt of the status report on 25th April, 2023.

PRATHIBA M. SINGH, J.

FEBRUARY 9, 2023/Rahul/AM