

दिल्ली में फिर हुआ निर्भया कांड, युवती से सामूहिक दुष्कर्म के बाद ऑटो में किया दुष्कर्म

आईटीओ और राजघाट पर वारदात को दिया अंजाम एम्स में हुआ ऑपरेशन अभी भी सदमे में युवती

पुरुषोत्तम वर्मा

नई दिल्ली। आईटीओ पर युवती से सामूहिक दुष्कर्म के बाद राजघाट के पास ऑटो में हुए दुष्कर्म को बिल दरहा देने वाली घटना को दिल्ली पुलिस ने तीन हफ्ते से ज्यादा समय तक दबाए रखा। इस खौफनाक वारदात के बाद अस्पताल में भर्ती युवती की मौत देने के बाद सदमे से उबरने की कोशिश कर रही है। निर्भया केस जैसी यह वारदात दिल्ली पुलिस के पुराने मुख्यालय से कुछ मीटर दूर हुई। आईटीओ के पास पर युवती के साथ तीन दरिदों ने सामूहिक दुष्कर्म किया। उसके बाद ऑटो चालक ने राजघाट के पास गांधी स्मृति वाली सर्विस रोड पर लैं जाकर उसके साथ ऑटो में दुष्कर्म किया। बार-बार किए गए दुष्कर्म से युवती का मानसिक संतुलन बिगाड़ गया।

उड़ीसा निवासी युवती (34) अर्धनग्न अवस्था में राजघाट से पैदल चलते हुए सराय कालेखं पहुंच गई। उसके निजी अंगों से खून बहता रहा। 11 अक्टूबर की रात करीब 9.30 बजे यह वारदात हुई थी। सराय कालेखं पर युवती को देखकर एक नौसेना के अधिकारी ने पुलिस को सूचना दी। दिल्ली पुलिस अधिकारियों ने बताया कि अगर नौसेना अधिकारी पुलिस को सूचना नहीं देते तो युवती की मौत भी हो सकती थी। एम्स में युवती के निजी अंगों का ऑपरेशन हुआ है। युवती अभी एम्स के मनोचिकित्सक विभाग में भर्ती है।

दक्षिण-पूर्व जिला पुलिस ने करीब 21 दिन की कड़ी मेहनत से तीन आरोपियों ऑटो चालक प्रभु, कबाड़ी की दुकान पर काम करने वाला प्रमोद और शमशूल को गिरफ्तार किया है। दक्षिण-पूर्व जिला

■ नौकरी के वहाने दिल्ली

बुलाया और फिर छोड़ दिया सोशल वर्क में एमए डिग्री होल्डर युवती को किसी सभ्य ने उसे अच्छा काम दिलाने के लिए दिल्ली बुलाया था। सभ्य उसका खर्च उठाने लगते तो युवती उसको भारी पड़ने लगी। उसके बाद युवती किसानगढ़ थाना क्षेत्र में ननों के साथ रही। यहाँ पर उसका कुछ मानसिक संतुलन बिगाड़ गया। फिर वह सड़क पर आ गई। किसानगढ़ थाने में एक नन ने इसकी रिपोर्ट दी। बताया जा रहा है कि उड़ीसा में परिजनों को सूचना दी गई। परिजन उसे लेने दिल्ली आए मगर वह नहीं गई।

■ ओडीशा के सीएम ने

बताई गिरफ्तारी की बात

ओडीशा के मुख्यमंत्री मोहन चरण माझी ने उड़ीसा के लोगों को जानकारी दी कि दिल्ली पुलिस ने 10 और 11 अक्टूबर को मध्यरात्रि को दिल्ली में एक उड़ीसा की युवती के साथ सामूहिक वलात्कार में कथित संलिप्त तीन लोगों को गिरफ्तार किया है। वारदात के बाद युवती को एम्स टॉना सेंटर में भर्ती कराया, जहाँ उनका इलाज चल रहा है। उच्चैः तरह, राष्ट्रीय मानवाधिकार आयोग में भी दो मामले दर्ज किए गए हैं।

पुलिस उपयुक्त रवि कुमार सिंह ने आरोपियों को गिरफ्तार करने की पुष्टि की है। आरोपियों को फकड़ने के लिए महिला सिपाही संगीता पीड़िता से सोशल वर्कर बनकर मिलीं। एसोपी ऐश्वर्या सिंह ने पीड़िता को न्याय दिलाने अपना उद्देश्य बना लिया था। पुलिस ने पीड़िता को खून से सनी सलवार गांधी स्मृति वाले सर्विस रोड से बरामद कर ली है। आरोपी प्रभु का ऑटो भी बरामद कर लिया गया है।



राष्ट्रीय मानवाधिकार आयोग से की शिकायत

वाराणसी। गाजियाबाद कचहरी में बीते 29 अक्टूबर को पुलिस द्वारा वकीलों पर किए गए लाठीचार्ज की घटना को लेकर राष्ट्रीय मानवाधिकार आयोग से शिकायत की गयी है। अधिवक्ता अंशुमान त्रिपाठी ने राष्ट्रीय मानवाधिकार आयोग में ऑनलाइन शिकायत दर्ज कराई है। लाठीचार्ज में कई वकील जखमी हो गए थे।

धर्मांतरण पर आरक्षण : बालकृष्णन आयोग अगले साल देगी रिपोर्ट, धर्मांतरित दलितों को SC दर्जा देने पर एनसीएससी क्यों है असहमत ?

<https://www.themooknayak.com/dalit/reservation-for-converts-balakrishnan-commission-to-submit-report-next-year-why-is-ncsc-opposed-to-granting-sc-status-to-converted-dalits>

हालिया अधिसूचना के अनुसार, बालकृष्णन आयोग की रिपोर्ट प्रस्तुत करने की नई समय-सीमा 10 अक्टूबर 2025 है।

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नई दिल्ली- राष्ट्रीय अनुसूचित जाति आयोग (एनसीएससी) के अध्यक्ष किशोर मकवाना ने ईसाई और इस्लाम धर्म में धर्मांतरित दलितों को अनुसूचित जाति (एससी) का दर्जा देने का कड़ा विरोध किया है। यह बयान ऐसे समय में आया है जब केंद्र सरकार ने इसी मुद्दे की जांच कर रहे एक उच्च-स्तरीय आयोग का कार्यकाल एक वर्ष के लिए बढ़ा दिया है।

धार्मिक धर्मांतरण करने वालों को अनुसूचित जाति का दर्जा देने पर विचार कर रहे बालकृष्णन आयोग के कार्यकाल को सामाजिक न्याय और अधिकारिता मंत्रालय ने एक वर्ष के लिए बढ़ा दिया है। यह विस्तार आयोग द्वारा अपनी रिपोर्ट को पूरा करने के लिए अधिक समय की मांग के बाद 1 नवंबर को जारी अधिसूचना के माध्यम से दिया गया।

हालिया अधिसूचना के अनुसार, आयोग की रिपोर्ट प्रस्तुत करने की नई समय-सीमा 10 अक्टूबर 2025 है। 6 अक्टूबर 2022 को स्थापित यह आयोग, 1952 के जांच आयोग अधिनियम के तहत कार्य करता है।

पूर्व मुख्य न्यायाधीश के.जी. बालकृष्णन की अध्यक्षता में अक्टूबर 2022 में गठित जांच आयोग को धर्मांतरित दलितों को एससी का दर्जा देने पर व्यापक अध्ययन का काम सौंपा गया था। आयोग को धर्मांतरित दलितों को एससी दर्जा देने के प्रभावों की जांच, उनकी रीति-रिवाजों, परंपराओं और सामाजिक स्थिति में आए बदलावों का अध्ययन और उनकी वर्तमान सामाजिक-आर्थिक स्थिति का मूल्यांकन करने का कार्य दिया गया है। पिछले दो वर्षों में आयोग ने समाजशास्त्रियों, इतिहासकारों, धार्मिक नेताओं और प्रभावित समुदायों के प्रतिनिधियों से व्यापक विचार-विमर्श किया है।

संविधान (अनुसूचित जाति) आदेश 1950 के अनुच्छेद 341 के तहत वर्तमान कानूनी ढांचा केवल हिंदू, सिख और बौद्ध धर्म का पालन करने वाले व्यक्तियों को एससी का दर्जा देने की अनुमति देता है। यह सीमा दशकों से बहस का विषय रही है।

टीएनआई की एक रिपोर्ट के मुताबिक एनसीएससी अध्यक्ष मकवाना ने प्रस्तावित विस्तार का कड़ा विरोध करते हुए कहा कि आरक्षण व्यवस्था मूल रूप से हिंदू समाज में जाति और अस्पृश्यता पर आधारित है। उनका तर्क है कि जब व्यक्ति अन्य धर्मों में परिवर्तित हो जाते हैं, तो वे हिंदू सामाजिक संरचना का हिस्सा

नहीं रह जाते, जिससे वे एससी दर्जे के लिए अयोग्य हो जाते हैं। मकवाना ने एससी समुदायों को वर्तमान में उपलब्ध लाभों को कमजोर करने और पुणे समझौते तथा डॉ. बी.आर. अंबेडकर की विरासत को कमजोर करने की चिंता भी व्यक्त की।

1950 के एक राष्ट्रपति आदेश में कहा गया है कि केवल हिंदू, सिख और बौद्ध समुदायों के दलितों को ही अनुसूचित जाति सूची में शामिल माना जा सकता है।

मकवाना का बयान विशेष रूप से महत्वपूर्ण है क्योंकि यह बालकृष्णन आयोग का कार्यकाल अक्टूबर 2024 तक बढ़ाने के सरकार के फैसले के साथ मेल खाता है। सामाजिक न्याय और धार्मिक परिवर्तन पर चल रही राष्ट्रीय बहस को देखते हुए आयोग का काम और भी महत्वपूर्ण हो गया है। आयोग के काम से परिचित सूत्रों का कहना है कि यह मुद्दे की व्यापक समझ सुनिश्चित करने के लिए विभिन्न हितधारकों के बयानों और साक्ष्यों को बारीकी से दर्ज कर रहा है।

इस मुद्दे के राजनीतिक आयाम जटिल बने हुए हैं। सत्तारूढ़ भाजपा ईसाई और मुस्लिम धर्मांतरितों को एससी दर्जा देने का विरोध कर रही है। वहीं विभिन्न दलित संगठन अधिक समावेशी एससी दर्जे के मानदंडों की वकालत करते रहे हैं। उनका तर्क है कि धार्मिक परिवर्तन इन समुदायों के सामने आने वाली सामाजिक और आर्थिक कठिनाइयों को नहीं मिटाता।

ऐतिहासिक रूप से पिछली सरकारों ने इस मुद्दे की जांच के लिए कई समितियां गठित की हैं, लेकिन ठोस नीतिगत बदलाव नहीं हो पाए हैं। बालकृष्णन आयोग का बढ़ा हुआ कार्यकाल इस जटिल मुद्दे की गहन जांच का अवसर प्रदान करता है, हालांकि एनसीएससी के दृढ़ विरोध से संकेत मिलता है कि आम सहमति बनाना चुनौतीपूर्ण हो सकता है।

बालकृष्णन आयोग: ऐतिहासिक पृष्ठभूमि

केंद्र सरकार ने 2022 में पूर्व मुख्य न्यायाधीश और **राष्ट्रीय मानवाधिकार आयोग** के पूर्व अध्यक्ष के.जी. बालकृष्णन की अध्यक्षता में एक महत्वपूर्ण आयोग का गठन किया। इस तीन सदस्यीय आयोग में सेवानिवृत्त आईएस अधिकारी डॉ. रवींद्र कुमार जैन और यूजीसी सदस्य प्रोफेसर सुषमा यादव भी शामिल हैं। आयोग को दो वर्ष में अपनी रिपोर्ट सौंपने का कार्य दिया गया है।

आयोग का मुख्य उद्देश्य यह जांचना है कि क्या हिंदू, सिख और बौद्ध धर्म के अलावा अन्य धर्मों में परिवर्तित दलितों को अनुसूचित जाति का दर्जा दिया जा सकता है। आयोग धर्मांतरण के बाद दलितों की सामाजिक, सांस्कृतिक और आर्थिक स्थिति में आए बदलावों का अध्ययन करेगा। इसमें उनकी परंपराओं, रीति-रिवाजों और भेदभाव की स्थिति का विस्तृत विश्लेषण किया जाएगा।

वर्तमान में, संविधान (अनुसूचित जाति) आदेश 1950 के तहत केवल हिंदू, सिख और बौद्ध समुदायों को ही एससी का दर्जा प्राप्त है। शुरू में यह आदेश केवल हिंदू समुदाय तक सीमित था, बाद में 1956 में सिख और 1990 में बौद्ध समुदाय को इसमें शामिल किया गया।

1990 के बाद से मुस्लिम और ईसाई दलितों को एससी का दर्जा देने के लिए कई प्रयास किए गए। संसद में कई निजी विधेयक पेश किए गए और 1996 में एक सरकारी विधेयक भी तैयार किया गया, लेकिन मतभेदों के कारण इसे संसद में पेश नहीं किया जा सका। मनमोहन सिंह की यूपीए सरकार ने इस मुद्दे पर दो महत्वपूर्ण समितियां गठित कीं - रंगनाथ मिश्रा आयोग (2004) और राजिंदर सच्चर समिति (2005)।

रंगनाथ मिश्रा आयोग ने 2007 में अपनी रिपोर्ट में सिफारिश की कि एससी दर्जे को धर्म से पूरी तरह अलग कर दिया जाए और इसे अनुसूचित जनजातियों की तरह धर्म-निरपेक्ष बनाया जाए। सच्चर समिति ने पाया कि धर्मांतरण के बाद भी दलित मुसलमानों और ईसाइयों की सामाजिक-आर्थिक स्थिति में कोई सुधार नहीं हुआ। 2011 में राष्ट्रीय अनुसूचित जाति आयोग और राष्ट्रीय अल्पसंख्यक आयोग ने भी सुप्रीम कोर्ट में दायर हलफनामों में दलित मुस्लिमों और ईसाइयों को एससी का दर्जा देने की सिफारिश की।

बालकृष्णन आयोग भारत के सामाजिक न्याय ढांचे के लिए एक ऐतिहासिक कदम है। यह पहली बार है जब जांच आयोग अधिनियम, 1952 के तहत इस जटिल मुद्दे की जांच की जा रही है। आयोग की सिफारिशें न केवल एससी दर्जे के प्रश्न को प्रभावित करेंगी, बल्कि आधुनिक भारत में जाति, धर्म और संवैधानिक अधिकारों के संबंध पर व्यापक चर्चा को भी प्रभावित करेंगी।

‘You can’t come with bulldozers and demolish houses overnight’: SC to UP govt

<https://www.thestatesman.com/india/you-cant-come-with-bulldozers-and-demolish-houses-overnight-sc-to-up-govt-1503361810.html>

The bench further directed the Uttar Pradesh Chief Secretary to conduct a disciplinary inquiry against the officers responsible for the illegal demolitions.

Pramod Kumar | New Delhi | November 6, 2024 8:02 pm

The Supreme Court, on Wednesday, lambasted the authorities under Yogi Adityanath’s Uttar Pradesh government for the illegal demolition of houses for road widening and termed the action by the state “high-handed” and without authority of law.

A bench comprising Chief Justice D.Y. Chandrachud, Justice J.B. Pardiwala, and Justice Manoj Misra also directed the Uttar Pradesh government to grant punitive compensation of Rs 25 lakhs to the person whose house was demolished.

Anguished over the way authorities demolished a house for the widening of the road without issuing any notice and merely by making a public announcement by beating drums, Justice Pardiwala said, “You can’t come with bulldozers and demolish houses overnight. You don’t give time to the family to vacate. What about the household articles? There has to be due process followed.”

The bench further directed the Uttar Pradesh Chief Secretary to conduct a disciplinary inquiry against the officers responsible for the illegal demolitions.

The top court chided the authorities in the course of the hearing of a suo motu case registered in 2020 based on a letter complaint sent by Manoj Tibrewal Aakash, whose house was demolished in 2019 by state authorities. He claimed that his house was demolished without any prior notice or explanation for allegedly encroaching on a highway.

As the state government said that the petitioner had encroached on public land, CJI Chandrachud quipped, “You say that he was an encroacher of 3.7 sq. meters. We take it, we are not giving him a certificate for it, but how can you start demolishing people’s houses like that? This is lawlessness... walking into somebody’s house...”

The bench said that no notice was served to the petitioner and no due process was followed.

“This is completely high-handed. Where is the due process followed? We have the affidavit that says no notice was issued, you only went to the site and informed the people through loudspeaker. You can’t just with a beat of a drum tell people to vacate houses and demolish them. There has to be proper notice,” said the bench to the UP government.

The top court took note of an inquiry report by the National Human Rights Commission (NHRC) which revealed that the demolition was far more extensive than the supposed encroachment.

It also laid down the steps the state authorities to follow before removing encroachments for road widening projects and said the copy of the order to be circulated to all states/Union Territories.

The top court said that while carrying out road widening, the state must ascertain the existing width of the road, issue formal notices if any encroachments are found, and allow residents to raise objections.

It further said that any decision against an objection must come in the form of a reasoned order with sufficient time allowed for residents to vacate.

'You can't come with bulldozers and demolish houses overnight': SC tells UP government

<https://timesofindia.indiatimes.com/india/you-cant-come-with-bulldozers-and-demolish-houses-overnight-sc-tells-up-government/articleshow/115014231.cms>

Story by TOI News Desk • 17h • 2 min read

NEW DELHI: The Supreme Court on Wednesday called out the illegal demolition of homes conducted under the pretext of road widening by the Uttar Pradesh government. The court called the state's actions "high-handed" and "without authority of law," directing the government to pay Rs 25 lakh as punitive compensation to each affected family. The bench, led by Chief Justice DY Chandrachud and comprising Justices JB Pardiwala and Manoj Misra, highlighted that the state cannot bulldoze through citizens' rights without adhering to due process.

"You can't come with bulldozers and demolish houses overnight. You don't give time to family to vacate. What about the household articles? There has to be due process followed," said Justice Pardiwala during the hearing.

In addition to compensation, the court instructed Uttar Pradesh's chief secretary to initiate a disciplinary inquiry against the officials responsible for the unlawful demolitions.

This directive came during the hearing of a suo motu case from 2020, triggered by a letter from Manoj Tibrewal Aakash, whose home was demolished in 2019. Aakash claimed that his property was razed without prior notice, ostensibly due to alleged encroachment on a highway.

When state authorities argued that the petitioner had encroached on public land, Chief Justice Chandrachud questioned the proportionality of their response.

"You say that he was an encroacher of 3.7 sq meters. We take it, we are not giving him a certificate for it, but how can you start demolishing people's houses like that? This is lawlessness... walking into somebody's house..." the Chief Justice said.

The bench found that authorities bypassed the standard legal protocols, citing affidavits that confirmed no formal notice was issued. Instead, residents were reportedly informed of the demolition through loudspeakers on-site, a move the court found inadequate and arbitrary.

"You can't just beat a drum to tell people to vacate their homes and then proceed with demolition. There has to be a proper notice," the bench added.

A report by the **National Human Rights Commission (NHRC)** submitted to the court revealed that the extent of demolition far exceeded the alleged encroachment, further highlighting the lack of oversight and procedural fairness in the state's actions.

Issuing guidelines for all states and Union Territories, the Supreme Court outlined the steps that must precede any removal of encroachments for road widening projects.

Authorities are now required to determine the current road width, formally notify residents of any encroachment, and allow them an opportunity to raise objections. Any adverse decisions must be supported by reasoned orders, providing affected residents with adequate time to vacate.

'You Can't Bulldoze Houses Overnight' : Supreme Court Directs UP Govt To Pay Rs 25 Lakhs Interim Compensation For Illegal Demolition

<https://www.livelaw.in/top-stories/you-cant-bulldoze-houses-overnight-supreme-court-directs-up-govt-to-pay-rs-25-lakhs-interim-compensation-for-illegal-demolition-274378>

The Supreme Court on Wednesday (November 6) came down heavily on the authorities of the State of Uttar Pradesh for the illegal demolition of residential houses for a road widening project.

The Court was hearing a suo motu writ petition registered in 2020 based on a letter complaint sent by Manoj Tibrewal Aakash, whose house in District Maharajganj was demolished in 2019.

During the hearing, the bench comprising Chief Justice of India DY Chandrachud, Justice JB Pardiwala and Manoj Misra expressed serious dissatisfaction with the conduct of the authorities, terming their acts "high-handed."

Responding to the State's argument that the petitioner had encroached public land, CJI Chandrachud said :

"You say that he was an encroacher of 3.7 sq meters. We take it, we are not giving him a certificate for it. But how can you start demolishing people's houses like that? This is lawlessness..walking into somebody's house and demolishing it without notice."

Flagging that no notice was served and no due process was followed, CJI added :

"This is completely high-handed! Where is the due process followed? We have the affidavit that says no notice was issued, you only went to the site and informed the people through loudspeaker."

The bench was informed that 123 other constructions were also demolished and people were just given information through public announcements.

"This is very high-handed," Justice Pardiwala observed. "You can't come with bulldozers and demolish houses overnight. You don't give time to family to vacate. What about the household articles? There has to be due process followed," Justice Pardiwala added.

Justice Pardiwala also expressed disapproval of the authorities giving notice only through a Public Announcement and the beat of the drum.

"You can't just with a beat of drum tell people to vacate houses and demolish them. There has to be proper notice".

The bench relied on a report of the National Human Rights Commission (NHRC) that at the highest, there was an encroachment of 3.70 square meters but it was not a justification to demolish the entire house. NHRC recommended the grant of interim compensation to the petitioner, registration of FIR on the complaint of the petitioner and initiation of departmental/punitive action against the officers.

The Court noted that there was no enquiry carried out by the authorities to demarcate the encroachments. Also, there was no material to show that the land was acquired before the demolitions were carried out.

The State has failed to disclose the precise extent of encroachment, the width of the existing road, the width of the notified highway, the extent of the property of the petitioner which fell within the notified width of the central line of the highway, the Court noted. The Court also wondered why the demolition was carried out beyond the alleged encroachment.

"It is clear that the demolition was completely highhanded and without the authority of law," the bench noted in its order.

The petitioner had an allegation that the demolition was a reprisal in response to a report he published in a local newspaper about the wrongdoings of the authorities. The bench did not express any observation on this allegation.

The Court therefore directed the State to pay punitive compensation of Rs 25 lakhs to the petitioner. This compensation is of an interim nature and would not come in the way of the petitioner adopting other legal proceedings for compensation.

The Court further directed the Chief Secretary of UP to conduct an enquiry against all officers and contractors who were responsible for the illegal demolitions and initiate disciplinary actions. The Court clarified that the State is also at liberty to initiate criminal action against the persons responsible for the illegal actions. The directions have to be complied within one month.

The judgment also laid down the steps the State authorities must follow before removing encroachments for road widening projects. The copy of the judgment was directed to be circulated to all States/Union Territories.

Senior Advocate Siddharth Bhatnagar appeared for the petitioner along with Advocate Shubham Kulshreshtha.

UP: गाजियाबाद में अधिवक्ताओं पर लाठीचार्ज का मामला पहुंचा राष्ट्रीय मानवाधिकार आयोग, ऑनलाइन दर्ज हुई शिकायत

<https://www.amarujala.com/uttar-pradesh/varanasi/matter-of-lathicharge-on-lawyers-in-ghaziabad-reached-national-human-rights-commission-2024-11-06>

अमर उजाला नेटवर्क, वाराणसी। Published by: प्रगति चंद Updated Wed, 06 Nov 2024 03:43 PM IST

गाजियाबाद में जिला सत्र न्यायालय के कोर्ट रूम में अधिवक्ताओं पर हुए लाठीचार्ज का मामला में वाराणसी जिला न्यायालय के अधिवक्ता अंशुमान त्रिपाठी की शिकायत पर राष्ट्रीय मानवाधिकार आयोग में शिकायत दर्ज कराई गई है।

गाजियाबाद में जिला सत्र न्यायालय के कोर्ट रूम में अधिवक्ताओं पर हुए लाठीचार्ज का मामला राष्ट्रीय मानवाधिकार आयोग नई दिल्ली पहुंच गया है। विगत 29 अक्टूबर को गाजियाबाद में एक अग्रिम जमानत के मामले में पूर्व अध्यक्ष नाहर सिंह यादव और जिला एवं सत्र न्यायाधीश अनिल कुमार में तीखी बहस के बाद जिला सत्र न्यायाधीश अनिल कुमार द्वारा कोर्ट रूम में लाठीचार्ज का आदेश दे दिया गया, जिसके बाद पुलिस व प्रसाशन द्वारा अधिवक्ताओं पर लाठीचार्ज कर दिया गया।

इस दौरान कई अधिवक्ता गंभीर रूप से घायल हो गए। वाराणसी जिला न्यायालय के अधिवक्ता अंशुमान त्रिपाठी ने राष्ट्रीय मानवाधिकार आयोग में ऑनलाइन शिकायत दर्ज कराई, जिसे आयोग द्वारा डायरी संख्या 18355/IN/2024 पर दर्ज कर लिया गया है।

Supreme Court slams UP for illegal demolition of house, orders ₹25 lakh compensation

<https://www.barandbench.com/news/supreme-court-slams-up-illegal-demolition-house-orders-25-lakh-compensation>

The Court ordered the UP government to pay ₹25 lakh as punitive compensation and further directed the State to initiate criminal proceedings against those responsible for the demolition.

06 Nov 2024, 1:52 pm 3 min read

The Supreme Court on Wednesday criticized the Uttar Pradesh (UP) government for demolishing an individual's house without following legal procedures.

A Bench of Chief Justice of India (CJI) DY Chandrachud and Justices JB Pardiwala and Manoj Misra observed that the demolition was 'high handed' and without authority of law.

"How can you just enter someone's home and demolish it without following the course of law or serving notice," the Bench demanded.

Hence, it ordered the UP government to pay ₹25 lakh as punitive compensation and further directed the State to initiate criminal proceedings against those responsible.

The order has to be enforced within a month, the Court made it clear.

"The demolition was carried out without any notice or disclosure to the occupiers of the basis of the demarcation or the extent of demolition to be carried out. It is clear demolition was high handed and without the authority of law. The petitioner states the demolition was only because the petitioner had flagged irregularities in road construction in newspaper report. Such action by the State cannot be countenanced and when dealing with private property, law has to be followed," the Court said.

As per the petitioner, his house was demolished without any prior notice or explanation for allegedly encroaching a highway.

Notably, the petitioner claimed that the demolition was a retaliatory measure after he informed the media about alleged irregularities in a road construction project.

The Court dismissed the UP government's request for an adjournment, insisting that the matter needs to be promptly addressed since all legal documents had already been submitted.

"We are not inclined to accept the request of the State of UP to adjourn the proceedings since pleadings are completed and the court is required to evaluate the materials placed before to decide legality of action," it said.

The State, according to the Court, could not show the original width of the highway, the extent of any encroachment or proof that any land acquisition had been undertaken before initiating the demolition.

Further, an inquiry report by the National Human Rights Commission (NHRC) revealed that the demolition was far more extensive than the supposed encroachment.

The Court underlined that while carrying out road widening, the State must ascertain existing width of the road, issue formal notices if any encroachments are found, and give residents the opportunity to raise objections.

Any decision against an objection must come in the form of a reasoned order with sufficient time allowed for residents to vacate, the Bench underscored.

Accordingly, the Court ruled that the entire action by UP government was of high handedness and therefore, it ordered punitive compensation and directed the Chief Secretary to conduct an inquiry into the entire matter.

"This will include disciplinary action against any officer who demolished not only house of petitioner but anybody else who met the same fate in the area," it added.

The Court also ordered all States to adhere to the following while carrying out widening of roads:

While carrying road widening, States must ascertain:

- Existing width of road;
- If encroachment is found, notice has to be issued to remove the encroachment;
- If objection is raised, then a decision on objection should be rendered by way of a speaking order in compliance with natural justice principles;

If rejected, then reasonable time should be given to (the encroacher) to remove encroachment.

The registrar judicial shall circulate a copy of this judgment to all states to comply with procedure to be followed for the purposes of road widening, the Court directed.

Senior Advocate Siddharth Bhatnagar and advocate Shubham Kulshreshtha appeared for the petitioner.

Supreme Court Orders Yogi Government to Compensate ₹25 Lakh for Demolished House

<https://thevocalnews.com/india/supreme-court-orders-yogi-government-to-compensate-25-lakh/cid15659303.htm>

The Supreme Court expressed strong displeasure over the Uttar Pradesh authorities' decision to demolish a petitioner's house with a bulldozer due to alleged encroachment on a public road. The court ordered the Yogi Adityanath government to pay ₹25 lakh in compensation to the petitioner for the demolition.

By Vibhor Aggarwal Nov 6, 2024, 13:30 IST

The Supreme Court expressed strong displeasure over the Uttar Pradesh authorities' decision to demolish a petitioner's house with a bulldozer due to alleged encroachment on a public road. The court ordered the Yogi Adityanath government to pay ₹25 lakh in compensation to the petitioner for the demolition.

Chief Justice of India DY Chandrachud questioned the UP government's actions, stating, "You claim the petitioner encroached on 3.7 square meters, but how can you start demolishing people's homes in this manner? This is sheer arbitrariness." He further criticized the lack of due process, noting that the authorities failed to issue any formal notice before proceeding with the demolition.

Questions Raised on Process and Due Diligence

The court pointed out inconsistencies in the authorities' approach. According to the affidavit submitted, there was no advance notice; officials arrived at the site and immediately informed the residents of the demolition. Justice JB Pardiwala remarked, "What basis do you have to claim it was unauthorized? What have you been doing since 1960? It seems disrespectful to disregard NHRC's orders like this."

The case stems from a complaint filed by Manoj Tibrewal regarding the demolition of his ancestral home and shop in Ward 16, Mohalla Hamidnagar. Following the complaint, the Supreme Court took suo motu cognizance and issued a notice on the writ petition.

Need for Investigation

The Supreme Court emphasized the need for a thorough investigation into the incident. Chief Justice Chandrachud noted that no official documentation was presented to show the original width of the highway or any formal survey to mark the alleged encroachment. The court observed that there was also no evidence indicating that the land was officially acquired for road widening.

The National Human Rights Commission (NHRC) report further indicated that the demolished area exceeded 3.75 meters, far beyond the claimed encroachment.

Arbitrary Actions Criticized

Justice Pardiwala highlighted the abrupt nature of the demolition, saying that officials marked the area at night and returned with bulldozers the next morning, leaving no time for the family to vacate. He noted, "This seems more like an acquisition than a routine road-widening exercise."

The court concluded by directing the UP government to compensate the petitioner and calling for a full investigation into the incident to ensure adherence to due process and prevent similar arbitrary actions in the future.

Supreme Court Criticizes UP for Illegal Home Demolitions, Orders Compensation

<https://www.devdiscourse.com/article/headlines/3147394-supreme-court-criticizes-up-for-illegal-home-demolitions-orders-compensation>

The Supreme Court has criticized Uttar Pradesh authorities for illegal home demolitions, calling the actions high-handed. The court ordered Rs 25 lakhs compensation to affected homeowners and mandated a probe into responsible officials. The incident was highlighted by a 2020 case following a complaint of unlawful demolition without notice.

Devdiscourse News Desk | Updated: 06-11-2024 15:03 IST | Created: 06-11-2024 15:03 IST

The Supreme Court delivered a strong rebuke to the Uttar Pradesh government on Wednesday, condemning the unlawful demolition of residences for road widening, criticizing the state's actions as 'high-handed' and beyond legal bounds.

Chief Justice of India DY Chandrachud, along with Justices JB Pardiwala and Manoj Misra, directed the state to compensate affected residents with Rs 25 lakhs and instructed a disciplinary inquiry against responsible officials.

This directive arose from a suo motu case linked to a 2019 complaint, where a house was demolished without prior notice. Despite claims of encroachment, the court emphasized due process must be followed, highlighting findings from the **NHRC** and setting procedural guidelines for future demolitions.

SC slams UP govt on illegal demolition, says You can't come with bulldozers and demolish houses overnight

<https://www.aninews.in/news/national/general-news/sc-slams-up-govt-on-illegal-demolition-says-you-cant-come-with-bulldozers-and-demolish-houses-overnight20241106145734/>

ANI | Updated: Nov 06, 2024 14:57 IST

New Delhi [India], November 6 (ANI): The Supreme Court on Wednesday slammed the Uttar Pradesh government authorities for the illegal demolition of houses for road widening while terming the action by the state as "high-handed" and without authority of law. A bench led by Chief Justice of India DY Chandrachud, Justice JB Pardiwala and Manoj Misra also directed the UP government to grant punitive compensation of Rs 25 lakhs to persons whose house was demolished. "You can't come with bulldozers and demolish houses overnight.

ou don't give time family to vacate. What about the household articles? There has to be due process followed," said Justice Pardiwala during the hearing. The bench further directed the Chief Secretary of the state to conduct a disciplinary enquiry against officers responsible for the illegal demolitions. The apex court was hearing a suo motu case registered in 2020 based on a letter complaint sent by Manoj Tibrewal Aakash, whose house was demolished in 2019 by state authorities.

He claimed that his house was demolished without any prior notice or explanation for allegedly encroaching on a highway. As the state said that the petitioner had encroached public land, CJI Chandrachud quipped, "You say that he was an encroacher of 3.7 sq meters. We take it, we are not giving him a certificate for it, but how can you start demolishing people's houses like that?

This is lawlessness... walking into somebody's house..."The bench said that no notice was served to the petitioner and no due process was followed. "This is completely high-handed. Where is the due process followed? We have the affidavit that says no notice was issued, you only went to the site and informed the people through loudspeaker. You can't just with a beat of a drum tell people to vacate houses and demolish them.

There has to be proper notice," said the bench to UP government. The apex court took into note an inquiry report by the National Human Rights Commission (NHRC) which revealed that the demolition was far more extensive than the supposed encroachment. It also laid down the steps the state authorities to follow before removing encroachments for road widening projects and said the copy of the order to be circulated to all states/Union Territories.

The top court said that while carrying out road widening, the state must ascertain the existing width of the road, issue formal notices if any encroachments are found, and give residents the opportunity to raise objections. It further said that any decision against an objection must come in the form of a reasoned order with sufficient time allowed for residents to vacate. (ANI)

SC Orders Yogi Govt To Pay Rs 25 Lakhs To Person Who's House Was Demolished 'High-Handedly'

<https://news.abplive.com/news/india/supreme-court-slams-up-govt-over-high-handed-demolition-of-houses-in-maharajganj-calls-it-complete-lawlessness-1729411>

The Supreme Court slammed the Uttar Pradesh government for "high-handed demolition" of an ancestral residential house and shop of a petitioner as part of a demolition drive in Maharajganj district and ordered Rs 25 Lakhs compensation

By : Nupur Dogra | Updated at : 06 Nov 2024 02:12 PM (IST)

The Supreme Court directed the Uttar Pradesh government to pay punitive compensation of Rs 25 lakhs for "high-handed demolition" of an ancestral residential house and shop of a petitioner. The top court further ordered inquiry into the entire matter pertaining to illegal demolition in UP's Maharajganj district and disciplinary action against all erring officers as well as contractors who were responsible for illegal demolition.

A bench headed by CJI DY Chandrachud slammed the Uttar Pradesh government and termed the entire action by the state as "high handed."

"How can you start demolishing people's houses like that? This is lawlessness..walking into somebody's house..." CJI Chandrachud remarked while hearing the case.

CJI further called the action by UP officials including the District Magistrate and Superintendent of Police, completely high-handed.

"Where is the due process followed? We have an affidavit that says no notice was issued, you only went to the site and informed the people!" CJI remarked.

A writ petition was moved by an aggrieved man against the demolition of his properties as "encroachment" by the UP government citing National Highway expansion. The court was informed that the NHRC report shows that demolition in the area was far in excess of the area of alleged encroachment.

"We direct punitive compensation and direct the chief secretary of UP to conduct an inquiry into the entire matter pertaining to illegal demolition against all officers including contractors who are responsible for illegal demolition. This will include disciplinary action against any officer who demolished not only the house of the petitioner but anybody else who met the same fate in the area," the Supreme Court ordered.

The top court today passed the said order after noting that the state of UP failed to produce original width of state highway notified as national highway.

"No material was placed to show whether any inquiry was conducted to figure out encroachers, there is no material produced to indicate that land was acquired before demolition was carried out. The state has failed to disclose the precise extent of encroachments, the width of the existing road, the width of notified highway, extent of property of petitioner which fall within the central line of highway and why the demolition was needed beyond the area of alleged encroachment. **NHRC** report shows demolition was far in excess of the area of alleged encroachment," the top court noted while dictating order.

The petitioner alleged that the demolition was a retaliatory measure after he informed the media about alleged irregularities in a road construction project.

The top court while putting an interim cost on the government said that while carrying out road widening, the State must ascertain existing width of the road, issue formal notices if any encroachments are found, and give residents the opportunity to raise objections.

No encroachment razing without due process: SC

<https://timesofindia.indiatimes.com/india/bulldozer-demolition-only-with-due-process-says-sc/articleshow/115030170.cms>

TNN | Nov 7, 2024, 01.57 AM IST

NEW DELHI: The Supreme Court on Wednesday barred state and Union govt authorities from using bulldozers to demolish encroachments or illegal constructions for road projects across India without following due process, which includes serving prior notice, conducting adjudication, and awaiting court decisions.

The days of announcing the removal of encroachments or illegal structures with drumbeaters or loudspeakers are over, said a bench comprising Chief Justice D Y Chandrachud and Justices J B Pardiwala and Manoj Mishra criticised the Uttar Pradesh govt for high-handedness after the Maharajganj collector demolished a house to widen NH-703. "Private properties need some protection and there has to be some accountability fixed for those resorting to demolitions using state power," Supreme Court said.

Awarding an interim compensation of Rs 25 lakh to the person whose house was demolished, the bench directed the Uttar Pradesh chief secretary to initiate inquiry into the illegal demolitions carried out by the collector, other officials and the contractor in 2019.

The person had written to the Supreme Court on Oct 4, 2019, about incidents of illegal demolitions, which were taken up suo motu by the court. The last hearing took place on Jan 4, 2021.

Dusting off the case file nearly four years later, the Supreme Court bench noted that no material had been provided by the Uttar Pradesh govt's counsel, Tulika Mukherjee, to justify the demolitions, which involved 123 houses, including that of the complainant, for a road-widening project.

The Uttar Pradesh govt counsel had also simultaneously written to the National Human Rights Commission (NHRC), which like the district commissioner, had given an adverse finding against the collector.

Senior advocate Siddharth Bhatnagar told the court that the National Human Rights Commission's directions for initiation of proceedings against wrongdoers has not yet been complied with and no compensation has been paid to the petitioner Manoj Tibrewal Akash for illegal demolition of his ancestral house.

Repeatedly referring to the Uttar Pradesh bureaucrat's actions as high-handed, the Supreme Court bench comprising Chief Justice laid down guidelines for authorities across India to follow when removing unauthorised and illegal constructions and encroachments for road projects.

Maharajganj Bulldozer Action: महाराजगंज में बुलडोजर कार्रवाई पर सुप्रीम कोर्ट ने योगी सरकार को लगाई फटकार, पीड़ित को 25 लाख रुपए देने का दिया आदेश

<https://hindi.latestly.com/india/supreme-court-reprimanded-yogi-government-over-bulldozer-action-in-maharajganj-ordered-to-give-rs-25-lakh-to-the-victim-2377651.html>

उत्तर प्रदेश के महाराजगंज जिले में एक आवासीय मकान और दुकान को अवैध रूप से ध्वस्त करने के मामले में सुप्रीम कोर्ट ने योगी सरकार को फटकार लगाई है।

देश Shivaji Mishra | Nov 06, 2024 02:59 PM IST

Supreme Court Rebuked Yogi govt: उत्तर प्रदेश के महाराजगंज जिले में एक आवासीय मकान और दुकान को अवैध रूप से ध्वस्त करने के मामले में सुप्रीम कोर्ट ने योगी सरकार को फटकार लगाई है। कोर्ट ने इस कार्रवाई को "अत्याचारपूर्ण" बताते हुए सरकार को जिम्मेदार अधिकारियों और ठेकेदारों के खिलाफ अनुशासनात्मक कार्रवाई करने के भी निर्देश दिया है। इसके अलावा पीड़ित को 25 लाख रुपये का जुर्माना मुआवजा देने का आदेश दिया है। चीफ जस्टिस डीवाई चंद्रचूड़ की अध्यक्षता वाली पीठ ने राज्य सरकार की इस कार्रवाई को कानून व्यवस्था का उल्लंघन बताया।

सुनवाई के दौरान चीफ जस्टिस ने कहा, "आप लोगों के घरों को इस तरह कैसे ध्वस्त कर सकते हैं? यह कानून का मखौल है। बिना किसी नोटिस के लोगों के घरों में घुसकर तोड़फोड़ की गई।"

याचिकाकर्ता का कहना था कि सरकार ने बिना किसी उचित प्रक्रिया के उनकी संपत्ति को "अतिक्रमण" करार देकर ध्वस्त कर दिया, जबकि इस क्षेत्र में राष्ट्रीय राजमार्ग विस्तार के नाम पर अनियमितताएं हो रही थीं। सुप्रीम कोर्ट को जानकारी दी गई कि **राष्ट्रीय मानवाधिकार आयोग (NHRC)** की रिपोर्ट के अनुसार ध्वस्तीकरण का क्षेत्र अतिक्रमण के कथित क्षेत्र से कहीं अधिक था।

सुप्रीम कोर्ट ने आदेश में कहा, "हम राज्य सरकार को निर्देश देते हैं कि पीड़ित को मुआवजा दिया जाए और इस मामले की पूरी जांच कराई जाए। इसमें उन सभी अधिकारियों और ठेकेदारों पर कार्रवाई की जाए जो इस अवैध ध्वस्तीकरण के लिए जिम्मेदार हैं।" सुप्रीम कोर्ट ने यूपी सरकार से यह भी पूछा कि जब सड़क विस्तार का काम किया जा रहा था तो क्या राज्य ने सड़क की मौजूदा चौड़ाई का कोई सर्वेक्षण किया था? अगर अतिक्रमण पाया गया, तो क्या उचित नोटिस देकर निवासियों को अपनी बात रखने का मौका दिया गया?

इस मामले में अदालत ने राज्य सरकार को चेतावनी दी है कि भविष्य में कोई भी सड़क चौड़ीकरण कार्य बिना उचित प्रक्रिया के न किया जाए।

Can't Come With Bulldozer And Demolish House Overnight, Pay Rs 25L To House Owner... SC Tells UP Authorities

<https://www.etvbharat.com/en/!bharat/cant-come-with-bulldozer-and-demolish-house-overnight-sc-directs-up-authorities-to-pay-rs-25-lakh-to-house-owner-enn24110603446>

The court directed Uttar Pradesh authorities to provide Rs 25 lakhs towards compensation over a house razed overnight in 2019 for a road widening project.

By ETV Bharat English Team Published : 18 hours ago

New Delhi: The Supreme Court on Wednesday directed the Uttar Pradesh authorities to compensate a man, whose house was razed in 2019 for a road widening project, with Rs 25 lakh, saying, "you can't come with a bulldozer and demolish the house overnight".

The apex court minced no harsh words for the authorities for making an announcement on the site before the demolition and termed it "lawlessness".

The matter came up before a three-judge bench led by Chief Justice of India DY Chandrachud and comprising justices J B Pardiwala and Manoj Misra. The bench criticised the state authorities for its high-handed approach. "You can't come with a bulldozer and demolish the house overnight," said the bench. The apex court termed it lawlessness, and added, "walking into somebody's house and demolishing it without notice".

The apex court asked the UP chief secretary to conduct an inquiry into the matter pertaining to the illegal demolition in Maharajganj district.

The bench made these observations while hearing a suo motu writ petition registered in 2020 based on a letter complaint sent by Manoj Tibrewal Akash, whose house in District Maharajganj was demolished in 2019. Senior advocate Siddharth Bhatnagar and advocate Shubham Kulshreshtha represented Akash before the apex court.

The state government had argued that the Akash had encroached public land. "You say that he was an encroacher of 3.7 metres. We take it, we are not giving him a certificate for it. But, how can you start demolishing people's houses like that?" the bench asked.

It is completely high-handed, the bench said, questioning the state authorities on due process to be followed. It pointed out that it has an affidavit that says no notice was issued, and added, "you only went to the site and informed the people through loudspeaker."

The apex court was informed that over 100 other constructions were also demolished and people were just given information through public announcements.

The apex court stressed that the authorities are supposed to give time to families to vacate and further questioned, “what about the household articles? There has to be due process followed”.

The bench cited a report of the National Human Rights Commission (NHRC) that, at the highest, there was an encroachment of 3.70 metres but it was not a justification to demolish the entire house. The commission had recommended the grant of interim compensation to the petitioner, registration of FIR in the issue, and initiation of departmental action against the officers.

Bulldozer Justice: you can't just roll in with bulldozers and demolish homes overnight: SC

<https://sabrangindia.in/bulldozer-justice-you-cant-just-roll-in-with-bulldozers-and-demolish-homes-overnight-sc/>

CJP Team November 6, 2024

The Supreme Court orders Rs 25 Lakh interim compensation for illegal bulldozer demolition, criticizes UP Govt's high-handed actions in demolition of homes for a road project in year 2019

On November 6, the Supreme Court of India ordered the Uttar Pradesh government to pay Rs. 25 lakhs in compensation for the illegal demolition of homes to make way for a road-widening project. The order came during the hearing of a suo-motu writ petition filed in 2020, stemming from a complaint by Manoj Tibrewal Aakash, whose house in Maharajganj district was demolished in 2019. The Supreme Court, while rapping the illegal demolition by the UP government, emphatically observed that, "You can't just roll in with bulldozers and demolish homes overnight."

The three-judge bench, comprising Chief Justice of India DY Chandrachud, Justices JB Pardiwala, and Manoj Misra, expressed strong dissatisfaction with the conduct of the authorities, condemning the Uttar Pradesh government's actions as "high-handed", according to Live Law.

During the hearing, the court found that no notice was served to the victim and due process was not followed.

Ref. article: Acquiring land without due procedure would be outside the authority of law, Supreme Court lays down 7 Constitutional tests for land acquisition can be read here

Regarding the failure to serve notice to the victims, CJI Chandrachud further remarked, "This is completely high-handed. Where is the due process? The affidavit shows no notice was issued; instead, you merely informed people at the site through loudspeakers," as reported by Live Law.

However, in response to the state's claim that the petitioner had encroached on public land, CJI Chandrachud stressed that, "You say he encroached on 3.7 square meters. We accept that, though we're not granting him a certificate for it. But how can you start demolishing people's houses like that? This is lawlessness—walking into someone's home and demolishing it without notice."

Public announcement used, not formal notice or due process

Justice Pardiwala also strongly criticized the authorities for relying solely on a public announcement and a drumbeat to notify residents, rather than following proper legal procedures. He remarked that, "You can't just with the beat of a drum tell people to vacate houses and demolish them. There has to be proper notice."

NHRC report taken into consideration by court

The bench relied on a report from the National Human Rights Commission (NHRC), which found that the highest encroachment in the case was just 3.70 square meters. The NHRC concluded that such a minimal encroachment did not justify demolishing the entire house. Based on its findings, the NHRC recommended granting interim compensation to the petitioner for the wrongful demolition. Additionally, the NHRC called for the registration of an FIR based on the petitioner's complaint and for the initiation of departmental and punitive action against the responsible officers.

Additionally, the Court observed that the authorities failed to conduct any inquiry to properly demarcate the encroachments. Furthermore, there was no evidence to show that the land had been legally acquired prior to the demolitions.

SC directed UP Govt to pay 25 lakhs as a punitive compensation to the petitioner

The Court directed the State to pay an interim punitive compensation of Rs 25 lakh to the petitioner, emphasizing that this amount would not hinder the petitioner from pursuing additional legal action for further compensation.

Additionally, the Court instructed the Chief Secretary of Uttar Pradesh to conduct an investigation into all officers and contractors involved in the illegal demolitions, and to initiate appropriate disciplinary action. The Court also clarified that the State could pursue criminal action against those responsible. These directions must be implemented within one month.

Furthermore, the judgment outlined the procedural steps that state authorities must follow before carrying out any demolition for road-widening projects. According to Bar and Bench, the Court also ordered all States to adhere to the following while carrying out widening of roads:

While carrying road widening, States must ascertain:

- Existing width of road;
- If encroachment is found, notice has to be issued to remove the encroachment;

– If objection is raised, then a decision on objection should be rendered by way of a speaking order in compliance with natural justice principles;

If rejected, then reasonable time should be given to (the encroacher) to remove encroachment.

Bulldozer Justice: SC orders Rs 25 Lakhs interim Compensation for illegal demolition by UP Govt in 2019

<https://cjp.org.in/bulldozer-justice-sc-orders-rs-25-lakhs-interim-compensation-for-illegal-demolition-by-up-govt-in-2019/>

The Supreme Court directs UP Govt to pay Rs 25 lakhs interim compensation for illegal demolition. During the hearing, the bench, led by Chief Justice DY Chandrachud expressed serious dissatisfaction with the conduct of the authorities, terming their acts "high-handed"

06, Nov 2024 | CJP Team

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2019 demolition case: Supreme Court slams UP authorities, directs it pay Rs 25 lakh to house owner

<https://www.deccanherald.com/india/uttar-pradesh/2019-demolition-case-sc-slams-up-authorities-directs-it-pay-rs-25-lakh-to-house-owner-3264314>

A bench of Chief Justice D Y Chandrachud and Justices JB Pardiwala and Manoj Misra further asked the UP chief secretary to conduct an inquiry into the matter pertaining to the illegal demolition in Maharajganj district.

Ashish Tripathi | DANS Last Updated: 06 November 2024, 13:26 IST

New Delhi: The Supreme Court on Wednesday ordered the Uttar Pradesh government to compensate a journalist with Rs 25 lakh for razing down his house in 2019 for a road widening project, saying, "you can't come with a bulldozer and demolish the house overnight" without following due process.

A bench of Chief Justice of India DY Chandrachud and Justices J B Pardiwala and Manoj Misra pulled up the state authorities for their "high-handedness" in making the announcement on the site before the demolition and termed it "lawlessness".The court said the state authorities cannot simply walking into somebody's house and demolish it without notice.

The bench directed the UP chief secretary to conduct an inquiry into illegal demolition in Maharajganj district.

The court registered a suo motu writ petition in 2020 based on a letter complaint sent by journalist Manoj Tibrewal Aakash, whose house in District Maharajganj was demolished in 2019.Senior advocate Siddharth Bhatnagar and advocate Shubham Kulshreshtha represented Aakash before the apex court.

The state government claimed that the Aakash had encroached upon the public land."You say that he was an encroacher of 3.7 metres.

We take it, we are not giving him a certificate for it. But, how can you start demolishing people's houses like that," the bench asked the state counsel.

The bench questioned the state authorities on failing to follow the due process as it was claimed no notice was issued.

"You only went to the site and informed the people through loudspeaker," the court asked the state government.

The bench directed the UP chief secretary to conduct an inquiry into illegal demolition in Maharajganj district.The court registered a suo motu writ petition in 2020 based on a

letter complaint sent by journalist Manoj Tibrewal Aakash, whose house in District Maharajanj was demolished in 2019.

Senior advocate Siddharth Bhatnagar and advocate Shubham Kulshreshtha represented Aakash before the apex court. The state government claimed that the Aakash had encroached upon the public land.

"You say that he was an encroacher of 3.7 metres. We take it, we are not giving him a certificate for it.

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The bench questioned the state authorities on failing to follow the due process as it was claimed no notice was issued. "You only went to the site and informed the people through loudspeaker," the court asked the state government.

The court was informed that over 100 other constructions were also demolished and people were just given information through public announcements. The bench felt the authorities were supposed to give time to families to vacate

. "What about the household articles? There has to be due process followed," the bench said.

The court also relied upon a report of the **National Human Rights Commission (NHRC)** that, at the highest, there was an encroachment of 3.70 metres but it was not a justification to demolish the entire house. The commission had recommended the grant of interim compensation to the petitioner, registration of FIR in the issue, and initiation of departmental action against the officers. By directing compensation, the court directed that the copy of the court order should be circulated to all states/union territories.