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

+ W.P.(C) 380/2026

THE COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Avi Singh, Sr. Adv. with Mr. Dhruv Malik, Mr. Kirti Raj, Mr. Rudraksh, Advs. with Mr. Sunil Kr. A. for Applicant in CM APPL. 2401/2026

versus

THE SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE & ORS.

.....Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Ashish Dixit, CGSC with Mr. Amit Gupta, Mr. Shubham Sharma, Mr. Naveen, Mr. Yashwardhan Sharma, Ms. Iqra Sheikh, Mr. Umar Hashmi, Ms. Namita, Advs. for R-1 to 3  
Mr. Sameer Vashisht, S.C. (Civil), GNCTD  
Mr. Anuj Chaturvedi and Ms. Richa Dhawan, Ms. Yashita Jain, Advs. with Mr. P. K. Jha (Pr. Director), Mr. V. S. Fonia (Chief Engineer), Mr. Pranav Siroha (LA), Mr. Aakash Goswami (JE) for DUSIB  
Mr. Anuj Chaturvedi, ASC for NDMC  
Mr. Ripu Daman Bhardwaj, L&DO/IOI  
Mr. Manu Chaturvedi, SC and Ms. Beenashaw N. Soni, SC with Ms. Katyani Malhotra, Adv. for MCD  
Mr. Amit Tiwari, CGSC with Mr. Varun Pratap Singh, GP for Safdarjung Hospital, Lady Harding



Hospital and RML Hospital  
Mr. Satya Ranjan Swain, Panel  
Counsel for AIIMS with Mr. Kautilya  
Birat, Mr. A. Kapoor, Mr.  
Vishwadeep, Advs. for AIIMS  
Mr. Tushar Sannu, Adv. for DJB

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE TEJAS KARIA**

**ORDER**  
**14.01.2026**

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1. An application being CM APPL. 2401/2026 has been moved by Centre for Holistic Development (CHD) seeking permission of the Court to intervene in this petition.
2. Having regard to the averments made in the said application, we permit the applicant/CHD to intervene in the matter and assist the Court by way of making suggestions, filing affidavits and requisite notes from time to time as may be required by the Court.
3. The application stands allowed.
4. We also direct All India Institute of Medical Sciences (AIIMS) through its Additional Director (Administration) to be impleaded as a party-respondent. Further, New Delhi Municipal Corporation of Delhi (NDMC), Delhi Municipal Corporation (DMC), Delhi Metro Rail Corporation (DMRC), Public Works Department (PWD), Commissioner of Police and Delhi Development Authority (DDA), Delhi Jal Board (DJB) and BSES also be impleaded as parties-respondents.
5. Issue notice.
6. On behalf of respondent nos.1 to 3, Mr. Ashish Dixit, learned Central Government Standing Counsel has put in appearance and accepts notice,



whereas, Mr. Sameer Vashisht, learned Standing Counsel has put in appearance and accepts notice for respondent no.4. Mr. Anuj Chaturvedi, learned counsel has put in appearance and accepts notice for respondent no.5.

7. Mr. Anuj Chaturvedi, learned Additional Standing Counsel has put in appearance and accepts notice for NDMC. Mr. Ripudaman Bhardwaj, learned counsel has put in appearance and accepts notice for L&DO. Mr. Manu Chaturvedi, learned Standing Counsel has put in appearance and accepts notice for MCD. Mr. Satya Ranjan Swain, learned Panel Counsel has put in appearance and accepts notice for AIIMS. Mr. Tushar Sannu, learned Standing Counsel has put in appearance and accepts notice for DJB.

8. It is further directed that Vardhman Mahavir Medical College in Safdarjung, Trauma Centre through its Director, Lady Hardinge Medical College through its Director and Dr. Ram Manohar Lohiya Hospital through its Medical Superintendent be also impleaded as party-respondent. On whose behalf, Mr. Amit Tiwari, learned Central Government Standing Counsel has put in appearance and accepts notice.

9. In our earlier order passed on 12.01.2026, we had expressed our concerns about the human problem being faced by many residents of Delhi on account of inadequate number and facilities both, at the night shelters which have been put up mostly by Delhi Urban Shelter Improvement Board (DUSIB). As a result of inadequate facilities and arrangements, the residents and those who are in need of such shelters and their kins are faced with enormous difficulties and problems even to keep their limbs intact during these shivering and chilling nights on account of severe cold wave.

10. Mr. Avi Singh, learned Senior Counsel appearing for applicant has



pointed out various issues in the application moved seeking intervention such as lack of implementation of winter action plan, lack of sufficient shelters to homeless persons, mismatching of the official data with the ground reality in respect of capacity and occupancy of the shelters, lack of adequate beds and numbers of shelter homes, lack of adequate number of beds in the shelter homes for patients and their families outside government hospitals, mismanagement of the shelter homes, lack of appropriate survey of the homeless, issues regarding water-supply and fire hazards and non-availability of adequate protective measures to rehabilitate the homeless coupled with rights and issues relating to women in the shelter homes etc.

11. The situation caused today on account of inadequate measures available for meeting the severity of the condition on account of cold wave can be addressed only if all the parties concerned come together and work in tandem with absolute sincerity of purpose. We are not doubting the sincerity of the authorities, however, ground realities, if seen, present a very different picture than what is being sought to be conveyed to the Court in respect of the action which have been taken or are being taken by all concerned, including the Government Agencies, Hospitals, Municipal Bodies and other State Authorities such as DUSIB and DDA. To address this situation which has arisen unfortunately, we propose to consider issuing appropriate directions and monitoring the developments in two ways, firstly long term measures and secondly short term measures.

12. Short term measures will confine to the measures and steps to be taken by all concerns to meet the situation which has arisen today.

13. Learned counsel representing the DUSIB has tendered a note giving certain data and the actions taken by the Board to meet the exigencies which



have arise on account of severe cold wave. The said note is taken on record. It has been pointed out by the learned counsel representing the DUSIB that the situation is continuously being monitored and measures which are possible are also being continuously taken and it is in this regard that letters were written by the Director, Night Shelter to AIIMS, Vardhman Mahavir Medical College in Safdarjung, Trauma Centre, Lady Hardinge Medical College and Dr. Ram Manohar Lohiya Hospital seeking permission for erection of pagoda tents which would last till March, 2026 for the patients and their attendants in open spaces available in the premises of the respective hospitals.

14. Learned counsel representing the AIIMS has handed over a letter dated 13.01.2026 written by the Additional Director (Administration) of AIIMS to DUSIB wherein the current capacity of the shelter homes is mentioned. The letter further states that in the light of certain proactive measures taken by the AIIMS, the suggestion to erect the temporary pagoda shelters within the premises of the AIIMS appears to be unnecessary. Certain concerns about security of the premises of the AIIMS have also been expressed in the said letter.

15. Mr. Ashisht Dixit, learned Central Government standing counsel has personally visited the sites of these night shelters in and around AIIMS and has prepared a note which is taken on record. The said note is duly endorsed by Mr. Chetan Sharma, learned ASG. The note is taken on record. The note, apart from depicting what has been noticed by Mr. Dixit, also gives certain suggestions.

16. Learned Senior Counsel representing the Intervenor has tendered to the Court certain photographs which were taken at around 11:30 p.m. on



13.01.2026. The said photographs are also taken on record. The picture which these photographs tell is otherwise than what has been sought to be projected on behalf of the DUSIB and other authorities in relation to the conditions prevailing in the night shelters.

17. Ours is a Welfare State and, accordingly, Right to Adequate Shelter, if denied to the citizens, will amount to violation of the Fundamental Rights as enshrined in Part III of the Constitution of India. In this view, it becomes the bounden duty of the Government and other Government agencies to ensure that people who are homeless and are in search of better medical care for themselves or for their kiths and kins are provided shelter. The State and its agencies such as the hospitals, the Development authorities or the Municipal Corporations cannot shirk away from their responsibility and fail to provide adequate shelter at least to those who are visiting hospitals. These persons are visiting hospitals not willingly but under compelling circumstances in search of better medical care. No refuge can be permitted to be taken by the State and its agencies for denying such facilities due to paucity of funds or any other resources.

18. We appreciate the efforts made by Mr. Chetan Sharma, learned ASG and Mr. Dixit who visited the spots and prepared a note and also made suggestions. In the note submitted by Mr. Dixit, it has been stated that when he visited the spots, various patients and their kiths and kins reported to him that there is dire need of such a facility which is clearly depicted from one of the photographs submitted to the Court. The said photographs are also taken on record.

19. The note also gives certain suggestions regarding the measures which can be taken up by the authorities to mitigate the problems being faced by



the residents of the night shelters and those who are in need of such shelters.

20. Having regard to the aforesaid facts and overall circumstances, we find it appropriate to issue the following directions for taking short-term measures to meet the current exigency caused by the severe cold wave in the city of Delhi:

a. The subways around the hospitals shall be taken over temporarily by DUSIB today evening itself and adequate arrangements shall be made for providing as much beds with adequate facilities as possible in each subway.

b. The authorities of the DUSIB shall immediately proceed to spaces which may be available near the hospitals and erect tents or pandals or any other measure for the purposes of immediately providing shelters to as many patients and their kins as may be possible.

c. In this regard the land owning agencies, the hospitals, the municipal corporations, the DDA and any other authority shall fully co-operate with the officials of the DUSIB, failing which the Court may take a very serious view of the matter and erring officials of these agencies may be held accountable. This direction will be applicable with full force to the Delhi Police, as also to the officials of the Delhi Metro Rail Corporation.

d. At 10:00 A.M. tomorrow, a meeting shall be convened under the Chairmanship of the Principal District Judge (South District) which shall be attended to by the highest level officers (Chief Executive Officers) or their nominees to be nominated by them who shall be also higher ranked officers having decision making powers, of NDMC, MCD, DMRC, AIIMS, DUSIB, DJB, BSES, DDA, Vardhman Mahavir Medical College, Safdarjung



Trauma Centre, Lady Hardinge Medical College, Ram Manohar Lohia Hospital, Delhi Police and a higher ranking officer of L&DO.

e. Concerned authorities of the respective agencies shall be apprised of this order forthwith by their Standing Counsels. In addition, we request Mr. Sameer Vashisht, learned standing counsel, GNCTD to communicate this order to all the authorities of concerned agencies, including those which are not represented in these proceedings today.

f. In the said meeting, a short-term plan should be chalked out which will start being implemented from tomorrow itself. The Committee, while chalking out the short-term plan for meeting the current exigencies shall deliberate amongst its participants and prepare a plan and, in case of any conflict between the views of the members, the final decision shall vest with the Principal District Judge.

g. The meeting shall be convened at Saket Court premises at 10:00 a.m. for which necessary arrangements shall be made by the Principal District Judge.

h. The Principal District Judge, on conclusion of the meeting shall prepare a report which shall be submitted to the Court on the next date of hearing through the Registrar General of this Court.

i. For attending the meeting, no further notice will be required to be given to the authorities, as mentioned above, who shall accordingly be apprised of the date, time and venue by the learned counsels representing them.



21. For directions to be issued for long-term measures, we request the learned senior counsel representing the Intervenor to give comprehensive suggestions along with statutory/ non-statutory mechanism available at present. The suggestions to be made by the learned senior counsel shall also state if any other statutory or otherwise mechanism other than the one which is existing today, can be evolved and enforced.

22. We also request the learned standing counsels representing all the other authorities who are parties to this petition to make their suggestions for evolving a long term strategy to meet such exigencies.

23. Learned counsels representing the different parties shall file the status report as regards the measures which may be taken by each of them to ensure compliance of this Order.

24. List on 16.01.2026.

25. The matter be placed High on Board.

26. The Registry is directed to file an amended memo of parties.

**DEVENDRA KUMAR UPADHYAYA, CJ**

**TEJAS KARIA, J**

**JANUARY 14, 2026/j**