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

+ **W.P.(C) 7201/2025 & CM APPL. 32403/2025**

NIRMAL SHEKHAWAT

.....Petitioner

Through: Ms. Nandita Rao, Sr. Adv. with Mr.
Amit Peswani and Mr. Devvrat
Tiwari, Advs.
M: 8218503585
Email: devvrattiwari03@gmail.com

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.Respondents

Through: Mr. Sriharsha Peechara, SC and Ms.
Ankita Sarangi, ASC with Mr. Akshat
Kulshrestha and Mr. Akhilesh Loya,
Advs. for NDMC
Mr. Piyush Gupta, CGSC with Mr.
Atishay Jain, Mr. Sudhanshu Sharma,
Mr. Samsul Alam, Mr. Honey Garg,
Mr. Sunil Kr. Mehta and Ms. Khyati,
Advs. for R-2
M: 9818020868
Mr. Anubhav Gupta and Mr. Abhinav
Sharma, PC (Civil) for GNCTD
M: 9910623525
Mr. Anuj Chaturvedi, Ms. Richa
Dhawan and Ms. Harshita
Maheshwari, Adv. for R-6.
M: 9810473166

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

26.05.2025

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1. The present writ petition has been filed seeking rehabilitation and relocation of the petitioner as per the Rehabilitation Policy of the Delhi



Government, under the Delhi Urban Shelter Improvement Board (“DUSIB”).

2. Learned Senior Counsel appearing for the petitioner submits that the petitioner was residing in *B.R. Camp, Race Course Road, Delhi* and is aggrieved by the demolition of the residence of the petitioner conducted on the basis of inspection carried out in the said Camp. It is submitted that the petitioner is unmarried and was living alone since both her parents, have already expired.

3. Learned Senior Counsel appearing for the petitioner submits that the residence of the petitioner was illegally demolished by the respondents, without giving any notice and without a proper hearing. She draws the attention of this Court to the list of 675 JJ Bastis, which are covered in the Rehabilitation Policy of the DUSIB. She submits that the said Basti, where the petitioner was staying, is at Serial No. 481 of the said list.

4. She further draws the attention of this Court to the identity cards of the petitioner, i.e., Aadhar Card and the Election Identity Card, issued by the Election Commission of India, to submit that the petitioner had been staying in the premises in question.

5. Issue notice. Notice is accepted by learned counsels appearing for the respondents.

6. Learned counsel appearing for respondent no. 6 submits that though the cluster in question is covered under the DUSIB Rehabilitation Policy, however, he submits that the Jhuggi in question of the petitioner, was not covered under the same. He draws the attention of this Court to the Voter Identity Card of the petitioner as attached along with the present petition, which has been issued in the year 2020.



7. He has further handed over to this Court, the order dated 11th December, 2017, issued by the Government of National Capital Territory of Delhi (“GNCTD”), Department of Urban Development, wherein, it has been stated as follows:

“xxx xxx xxx

(v) Relocation in rare cases

Any Land Owning Agency will not demolish any Jhuggi Jhopri Basti which is eligible as per para 2(i) above unless:

1. *There is any Court order*
2. *That basis has encroached a street, road, footpath, Railway safety zone, or a park*
3. *The encroached land is required by the land owning agency for specific public project as envisaged in The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, which is extremely urgent and can’t wait.*

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Delhi Slum and Jhuggi Rehabilitation and Relocation Policy, 2015 (PART-B)

1. *The eligibility criteria for allotment of alternative dwelling units to rehabilitate and relocate Jhuggi Jhopri dwellers would be as under:*

(i) *The Jhuggi Jhopri dweller must be a citizen of India and not less than 18 years of age;*

(ii) *The Jhuggi Jhopri basti in which the Jhuggi Jhopri dwellers are residing must be in existence prior to 01.01.2006. However, the cut-off date of residing in the jhuggi for becoming eligible for rehabilitation shall be 01.01.2015 (this is in supersession of the earlier cut-off date of 04.06.2009, as notified in the guidelines of 2013);*

(iii) *The name of Jhuggi Jhopri dweller must appear in at least on eof the voter lists of the years 2012, 2013, 2014 and 2015 (prior to 01.01.2015) and also in the year of survey, for the purpose of*



rehabilitation;

xxx xxx xxx”

8. By referring to the said policy, learned counsel appearing for the DUSIB submits that JJ dweller must appear at least in one of the voter lists of 2012, 2013, 2014 and 2015, i.e., prior to 01st January, 2015. He, thus, submits that in the present case, the Election Identity Card of the petitioner has been issued only in the year 2020. Thus, she is not covered by the said policy.

9. He further submits that action can be taken against the JJ Basti, in cases where there is an encroachment on a street, road, footpath, railway, safety zone or a park. Thus, he submits that action was rightly taken by the respondent-New Delhi Municipal Council (“NDMC”), in the present case.

10. Learned counsel appearing for respondent no. 1 submits that the Jhuggi of the petitioner was constructed on the place, where dustbins are kept, and after removing the same. He further submits that the Jhuggi of the petitioner was demolished, as the same was not part of the cluster.

11. *Per contra*, learned Senior Counsel appearing for the petitioner submits that the Aadhar Card was issued in favour of the petitioner in the year 2012 and an identical jhuggi, photographs of which have been attached as *Annexure P-4*, has not been demolished.

12. Learned Senior Counsel appearing for the petitioner further submits that the petitioner, who was living totally alone, may be granted some temporary rehabilitation.

13. Let reply be filed within a period of four weeks.

14. Rejoinder thereto, if any, be filed within two weeks, thereafter.



15. Considering the submissions made before this Court, liberty is granted to the petitioner to approach the night shelters maintained by the DUSIB, wherein, the petitioner can stay on a temporary basis, as per the policy of the DUSIB, on first come first basis.

16. It is, however, clarified that the petitioner shall not claim any legal or vested right on any particular place, or in any particular night shelter of the DUSIB.

17. At this stage, learned counsel appearing for the respondents-NDMC and DUSIB submit that the list of the cluster clearly shows that the camp in question, i.e., B.R. Camp at Race Course Club, Race Course Road, is situated at Army Land. Thus, it is submitted that the Delhi Development Authority (“DDA”), being directly under the Central Government may be impleaded as a party.

18. Considering the submissions made before this Court, DDA is impleaded as respondent no.7 in the present writ petition.

19. Let Amended Memo of Parties be filed within a period of one week.

20. Accordingly, issue notice to new impleaded respondent no.7, i.e., DDA, through Standing Counsel, upon filing of process fee.

21. Re-notify on 05th August, 2025.

MINI PUSHKARNA, J

MAY 26, 2025/Kr