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

+ **W.P.(C) 7965/2025, CM APPL. 34987/2025**

CHANDRAN & ANR.

.....Petitioners

Through: Mr. Yash S. Vijay, Mr. Prasanna S.,
Mr. Shikhar Aggarwal and Ms.
Deeksha Dwivedi, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD AND ORS

.....Respondents

Through: Mr. Anuj Chaturvedi, Adv. for
DUSIB.

Ms. Prabhsahay Kaur, SC for DDA
along with Ms. Kavya Shukla and
Ms. Harshita Rai, Advocates for
DDA.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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29.05.2025

CM APPL. 34988/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7965/2025

1. The present petition assails an order dated 06.05.2025 passed by the Chief Executive Officer, Delhi Urban Shelter Improvement Board (DUSIB) [respondent no.1] bearing No. DD/Rehab/2025/DUSIB/D- 179 (hereinafter '*the Impugned Order*'), by which, the order dated 08.04.2025 passed by the Appellate Authority, DUSIB has been set aside.
2. The Appellate Authority, which consisted of a judicial member in addition to other members, after due examination of all documents of the petitioner, *vide* order dated 08.04.2025, allowed the appeal filed by the



petitioner no.2 (wife of petitioner no.1) against the decision of the Eligibility Determination Committee (EDC) communicated *vide* letter dated 28.11.2024 whereby the petitioner no.2 was declared ineligible under the 'Delhi Slum and J.J Rehabilitation and Relocation Policy, 2015' (as amended in 2017) [hereinafter '*the DUSIB Policy 2015*'] for rehabilitation and allotment of alternative housing in light of the impending demolition of the *jhuggis* in '*Madrasi Camp*' Jangpura J.J. Basti [hereinafter '*the Madrasi Camp*'"] slated to take place on 01.06.2025. The order dated 08.04.2025 passed by the Appellate Authority is reproduced as under –

Appellant: Jayanthi S w/o Chandran

ORDER
08.04.2025

SURVEY NO: SD 54/166

T Huts- 708, Madrasi Camp, Jungpura New Delhi-110014

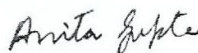
This appeal is against the decision of EDC, which bases its decision on parameters of eligibility contained in Rehabilitation Policy, 2015. The mandate of the Appellate Authority is only to the extent to see if the EDC has ignored any relevant policy matter or has included any other parameter that is beyond the policy. The Appellate Authority is only to look into the exceeding of power by EDC or to check if any extraneous consideration has entered in dismissing the claim of the appellant.

Jayanthi S w/o Chandran is present in person before the Appellate Authority. Her appeal is against the decision of the Eligibility Determination Committee to declare her ineligible *vide* order dated 28.11.2024, for the allotment of alternative dwelling units for the reason that the applicant failed to produce any of 12 prescribed document prior to 01.01.2015.

The appellant Jayanthi S w/o Chandran appeared before the Appellate Authority. The appellant produced electricity bill of the said *jhuggi* with energisation date 05.02.2012 with bill dated 18.06.2023 in the name of Mr.Mani who is father of the co-applicant Chandran as one of the 12 prescribed document prior to 01.01.2015 which is a valid document

Hence, her appeal is accepted.


C.K. Chaturvedi
Member (J)


Anita Gupta
Member



3. It is submitted by learned counsel for the petitioners that:-
- i. The impugned order passed by the CEO (DUSIB) [respondent no.1] overturns the well-reasoned order dated 08.04.2025 passed by the Appellate Authority, DUSIB and proceeds to declare the wife of the petitioner ineligible for allotment of alternative housing under the DUSIB Policy 2015. It is submitted that the CEO (DUSIB) has no jurisdiction to pass such an order overturning a *quasi judicial* determination. It is submitted that no part of the DUSIB Policy, 2015 confers judicial or adjudicatory powers on the CEO (DUSIB) much less an appellate or supervisory jurisdiction over a *quasi judicial* body such as the Appellate Authority, DUSIB.
 - ii. The aforementioned DUSIB Policy 2015 mandates that all the individuals and families that have been residing in protected *basti/s* since prior to 01.01.2015 are entitled to rehabilitation under the DUSIB Policy 2015. As the petitioner and his wife have been residing at ‘*Madrasi Camp*’ since prior to 01.01.2015, which has been notified as a protected *Jhuggi Jhopri Basti* by DUSIB, the petitioner is entitled to rehabilitation under the DUSIB Policy, 2015.
 - iii. It is submitted that the petitioner has more than satisfied the documentation required to establish residence in the ‘*Madrasi Camp*’ since prior to 01.01.2015 in terms of paragraph 2 of Part B of the DUSIB Policy 2015 which requires any one of the 12 documents mentioned therein to be issued before the cut-off date of 01.01.2015. It is submitted that the petitioners have



established their residence at the '*Madras Camp*' since prior to 01.01.2015 and this is established on the basis of (a) copy of an electricity bill reflecting energisation date as 05.02.2012 in the name of the father of petitioner no.1 / father in law of petitioner no.2 and (b) Voter ID Card issued on 13.02.2013 issued in favour of petitioner no.1.

- iv. By way of the impugned order, the respondent no.1 proceeds to overturn the well-reasoned finding of the Appellate Authority on the following basis:-

5. I have carefully gone through the orders of Appellate Authority dated 08.04.2025, material on record and the extant policy guidelines. Accordingly, the following is observed:

- i) "As per clause 1(vi) part-B of policy dated 11.12.2017, "Jhuggi Jhopri dweller must possess any one of the 12 documents issued before 01.01.2015"

Applicant produced electricity bill as one of prescribed document issued in the name of Mr.Mani i.e. father-in-law whose is not a part of her family as per joint survey report.

6. Thus, it is clear that the said appeal was decided in favour of the Appellant/Claimant which is a clear violation of the clause 1(vi) part-B of the Relocation Policy-2015 and the Appellate Authority ignored the eligibility criteria for allotment of alternative dwelling unit.

Hence, the order of the Appellate Authority dated 08.04.2025 is set aside and the claim of the appellant/claimant is rejected.

- v. It is submitted that the impugned order grievously errs in not taking into consideration that documents presented even in the name of family members of applicant(s)/claimant(s) reasonably establish eligibility for rehabilitation under DUSIB Policy, 2015. In the present case, the petitioners have been arbitrarily declared ineligible for rehabilitation despite submitting an



electricity bill in the name of the father of petitioner no.1 /
father in law of petitioner no.2.

4. The petitioners press for urgent interim relief inasmuch as in terms of judgment dated 09.05.2025 passed by a Division Bench of this Court in W.P.(C) 8035/2024, the demolition of the '*Madrasī Camp*' shall commence from 01.06.2025. Further, from 20.05.2025 to 31.05.2025 all belongings of the inhabitants of '*Madrasī Camp*' have been directed to be removed from there.

5. Issue notice.

6. Learned counsel, as aforesaid, accept notice on behalf of the respondents.

7. Let reply, if any, be filed within a period of three weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

8. There is merit in the contention of learned Counsel for the petitioners that the entitlement of the petitioners for rehabilitation is borne out by the aforementioned documents submitted by them. Moreover, *prima facie*, the impugned order passed by the CEO (DUSIB), inasmuch as it seeks to overturn a well-reasoned order passed by the Appellate Authority, is without jurisdiction. There is merit in the contention that the CEO (DUSIB) could not have disregarded the well-reasoned findings rendered by the Appellate Authority.

9. It is noticed that in similar circumstances, where the findings of the Appellate Authority were sought to be disturbed / disregarded by the CEO (DUSIB), this Court in W.P.(C) 6817/2025 titled ***Smt Moothu Wali & Anr. v. Delhi Urban Shelter Improvement Board (DUSIB) through the Chief***



Executive Officer & Ors. has passed interim order/s, staying the order passed by the CEO, DUSIB, by which, the petitioners therein were declared ineligible to avail rehabilitation under the DUSIB Policy, 2015, and the respondents have been directed to issue a provisional demand-cum-allotment letter in favour of the petitioners for allotment of alternative dwelling unit.

10. In the circumstances, in line with the interim order/s in the above matter, the operation of the impugned order is stayed. Consequently, the respondents, [particularly the Delhi Development Authority (DDA)] are directed to ensure that the provisional demand-cum-allotment letter for allotment of alternative housing / dwelling unit (in line with the dispensation afforded to other eligible residents of the '*Madras Camp*') shall be given to the petitioner. The petitioner shall be treated at par with other beneficiaries who have been found eligible under the policy. The same shall be subject to the usual verification/s to be conducted by the respondents, and further order/s to be passed in the present writ petition.

11. List on 26.09.2025.

SACHIN DATTA, J

MAY 29, 2025/dn