



\$~86

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

+ W.P.(C) 8269/2025, CM APPL. 36049/2025, 36050/2025

MALA

.....Petitioner

Through: Ms. Deeksha Dwivedi, Adv.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD (DUSIB)  
THROUGH THE CHIEF EXECUTIVE OFFICER, & ORS.

.....Respondent

Through: Mr. Anuj Chaturvedi, Ms. Richa  
Dhawan, Ms. Harshita Maheshwari,  
Adv.

Ms. Prabhsahay Kaur-SC along with  
Ms. Harshita Rai, Ms. Kavya Shukla,  
Adv.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**

%

**30.05.2025**

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- 176 (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 08.04.2024, allowed the appeal filed by the petitioner against the decision of the Eligibility Determination Committee (EDC) communicated *vide* letter dated 27.11.2024 whereby the petitioner 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 08.04.2024 passed by the Appellate Authority, DUSIB is reproduced as under –

Dated 08.04.2025

Appellant: Mala w/o Raju

ORDER  
08.04.2025

SURVEY NO: SD04/113

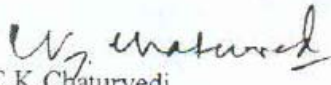
T Huts- 257, Madrasi Camp, Jungpura New Delhi-110014

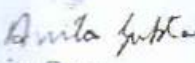
This appeal is against the decision of EDC, which bases its decision on parameters of eligibility contained in Rehabilitation Policy, 2015. The mandate of the Appellate Authority is only to the extent to see if the EDC has ignored any relevant policy matter or has included any other parameter that is 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.

Mala w/o Raju is not 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 27.11.2024, for the allotment of alternative dwelling units for the reason that the name of applicant and her spouse is not found in the voter list prior to 2015.

The appeal was heard by the Appellate Authority. Appellant produced her and her spouse's name in the voter list of electoral roll of as on 01.01.2015 and 2024 i.e. year of survey. Appellant also produced copy of electricity bill in the name of her husband with energisation date 04.03.2014 bill date 20.11.2014 and 25.03.2015. As such appellant submitted the document as per policy and her appeal is accepted.

Hence the appeal is accepted. She may be declared eligible, subject to verification of electricity bill produced by her.

  
C.K. Chaturvedi  
Member(J)

  
Anita Gupta  
Member



3. It is submitted by learned counsel for the petitioner 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 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 petitioners have been residing at '*Madrasi Camp*', which has been notified as a protected *Jhuggi Jhopri Basti* by DUSIB, since prior to 01.01.2015, the petitioners are entitled to rehabilitation under the DUSIB Policy, 2015.
  - iii. It is submitted that the petitioners have satisfied the documentation required to establish residence in the '*Madrasi Camp*' since prior to 01.01.2015 in terms of paragraph 1(vi) read with 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 petitioner has established her residence at the 'Madrasi Camp' since prior to 01.01.2015 on the basis of- (a) Voter ID Card dated 15.02.2014 issued in favour of the petitioner; (b) Voter ID Card dated 22.05.2013 issued in favour of the petitioner's husband; (c) electoral roll of as on 01.01.2015; (d) copy of the electricity bill dated 20.11.2014 in the name of the petitioner's husband reflecting date of energization as 04.03.2014; and (e) Aadhar Card issued in favour of the petitioner.

- iv. It is pointed out that the impugned order disregards the multiple documents that were available with the petitioners and instead seeks 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) The applicant also produced photocopy of Indian Bank pass book with a/c no. 6259035344 with address of Cuddalore, Tamil Nadu with a/c opening date 08.09.2014 and date of issue of pass book 17.09.2024.

6. Thus, Appellate Authority ignored the material fact of having another address also.

Hence, the order of the Appellate Authority dated 07.04.2025 is set aside and the claim of the appellant/claimant is rejected.

- v. It is submitted that the impugned order grievously errs in setting aside the order dated 08.04.2025 passed by the Appellate Authority overlooks the multiple documents in its possession which establish its entitlement to rehabilitation under the DUSIB Policy, 2015.
4. The petitioner presses 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 ‘*Madras Camp*’ shall commence from 01.06.2025. Further, from 20.05.2025 to 31.05.2025 all belongings of the inhabitants of ‘*Madras 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 multiple documents submitted by her. 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. Moreover, *prima facie*, the finding in the impugned order as regards the petitioner having another address in “Cuddalore, Tamil Nadu” as reflected in a passbook of the petitioner does not detract from the petitioner’s eligibility to claim rehabilitation under the DUSIB Policy inasmuch as there is no such restriction mentioned in the DUSIB Policy, 2015. The requirement under paragraph 1(vii) of Part B of the DUSIB Policy, 2015<sup>1</sup>

---

<sup>1</sup> (vii) Neither the JJ dweller nor any of his/her family member(s) should own any house/ *plot/flat*, in full or in part, in Delhi. The JJ dweller should not have been allotted any residential house or plot or flat on license fee basis or on lease-hold basis or on free-hold basis in the NCT of Delhi by any of the Departments



only precludes entitlement under the DUSIB Policy, 2015 in instances where the applicant has another residence in Delhi which is not the case here.

10. In the circumstances, the operation of the impugned order is stayed. Further, 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 ‘*Madrasi Camp*’) shall be given to the petitioner. The petitioner shall be treated at par with other beneficiaries who have been found eligible under the DUSIB Policy, 2015. The same shall be subject to further verification to be conducted by the respondents (as contemplated in the order passed by the Appellate Authority), and further order/s to be passed in the present writ petition.

11. List on 26.09.2025.

**SACHIN DATTA, J**

**MAY 30, 2025/dn**

---

or Agencies of GNCTD or Govt. of India, either in his/her own name or in the name of any member of his family.