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

+ CONT.CAS(C) 604/2014, CM APPL. 13874/2014

SHANKAR GARDEN WELFARE  
ASSOCIATION & ANR

.....Petitioners

Through: Mr. Saurabh Dev Karan Singh, Adv.  
through VC.  
Petitioner in-person.

versus

MANISH GUPTA & OTHERS

.....Respondents

Through: Mr. Mukesh Gupta, SC for MCD with  
Ms. Sneha Roy, Ms. Madhu Yadav,  
Ms. Gurleen Kaur, Advs.  
Ms. Shobhana Takiar, SC for DDA  
with Mr. Prateek Dhir, Adv. for R-2.  
Mr. Dhruv Rohatgi, Panel Counsel,  
GNCTD, Mr. Dhruv Kumar, Mrs.  
Chandrika Sachdev, Advs. for R-3.  
Mr. Anuj Chaturvedi, Ms. Richa  
Dhawan, Ms. Yashita Jain, Advs. for  
DUSIB.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

**24.03.2026**

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 215 of the Constitution of India, 1950, has been filed seeking wilful disobedience of the order dated 20.05.2013 passed in W.P.(C) No. 3170/2012, whereby the following directions were passed by learned Single Judge: -

“Be that as it may, the writ petition stands disposed of with the following directions:-



(i) At the first instance DDA and MCD will have a joint meeting within four weeks from today to resolve as to who is the land owning agency and

(ii) Once such a decision is taken thereafter DDA or MCD whosoever is the land owning agency will take appropriate steps for removal of jhuggis and clears the area and in case the land owning agency is MCD then MCD will make a formal request to the Delhi Urban Shelter Improvement Board within six weeks and Delhi Urban Shelter Improvement Board will further process the request within eight weeks thereafter. Needless to say, in case where there is clarity about the ownership as to who is the land owning agency the land owning agency will not wait for the meeting to take place between MCD and DDA and take action as expeditiously as possible which will be beneficial to all. However, in case it is decided that the DDA is the land owning agency DDA will take appropriate steps within eight weeks.

(iii) The land owning agency will also ensure that no further encroachment is carried out or any jhuggi is erected in the area in question. The land owning agency shall ensure that the entire area is cleared of jhuggis as expeditiously as possible and jhuggi dwellers are rehabilitated in accordance with law and as per policies of DDA/MCD. In case there is any encroachment petitioner shall have liberty to make formal complaints to MCD/DDA/Police.

(iv) The petitioner association shall be kept abreast of the developments taking place in furtherance to the order passed as above.”

3. Status report dated 27.10.2016 filed on behalf of the respondent No.2/DDA reads as under: -

“3. That in compliance of this Hon'ble Court the answering respondent submit that in pursuance of the order passed by this Hon'ble Court in WPC No. 3494-3500 of 2006 titled as *Pawan Kumar & ors v/s MCD & ors.* whereby the Hon'ble Court direct the respondent to remove the encroachment on the road at Shankar



Garden, Vikaspuri (Posangipur) and the same disposed of by this Hon'ble Court on 14.01.2009. Copy of the order dated 14.01.2009 is annexed herewith marked as Annexure A-1.

**4. That TSM demarcation of the land in question where "jhuggies" existed was under taken on 16.02.2016 in the presence of officials of DDA, officials of South Delhi Municipal Corporation, officials of the SDM Patel Nagar and members of Shankar Garden Association Filed in the Hon,ble High Court on 22.02.2016 in which area measuring 4457 Sq. mtrs. is acquired land of village Budhela and balance area 4499 Sq.mtrs. lands is of village Posangipur, which is un-acquired land and the ownership is not with respondent-DDA. As per finding of the TSM demarcation & plan dated 16.02.2016 encroachment on the road mentioned in order dated 14.01.09 in C.W.P. 3494-3500 is not jurisdiction of DDA/Answering Respondent.**

5. That the answering respondent further submits that the policy of re-habilitation/re-location of JJ Dwellers of DDA is yet to be finalized by MOUD, as per policy of DUSIB. In compliance of the order dated 29.04.2016 the answering respondent written letter to the Director (Delhi Division), MOUD, New Delhi as well as Director Amin. DUSIB on 18.03.2016 & 11.04.2016 respectively regarding the Delhi Slum & JJ Rehabilitation and Relocation Policy 2015 of DUSIB. Copy of Letter dated 18.03.2016 11.04.2016 are annexed herewith marked as Annexure A-2.

6. That in response of letter dated 29.04.2016 the MOUD has sent office, memorandum to the answering respondent seeking time as the approval from DUSIB for removal of "jhuggies/jhopri basti" by DDA from its land in Budela Village admeasuring 4457 sq.mtrs, and action regarding its relocation will take accordingly as the policy of re-habilitation/re-location of JJ Dwellers of DDA is yet to be finalized by MoUD. In case any encroachment in village Posangipur admeasuring 4499 sq.mtrs. of which the concerned societies is the land owner and the services qua the land in question are transferred to MCD now known as South Delhi Municipal Corporation by the concerned society directly. Therefore, the action against the unauthorized construction/encroachment and relocation is to be taken up by the South Delhi Municipal



Corporation.”

4. In pursuance of the order dated 11.03.2026 passed by this Court, DUSIB has also placed on record a status report dated 04.06.2024 wherein, it has been recorded as under: -

“12. That the DUSIB, being a statutory body, its powers, duties and functions are circumscribed by the provisions of the DUSIB Act and it cannot carry out any activity which it has not been mandated to do by the aforesaid legislation. Since, none of the provisions of the aforesaid DUSIB Act empowers the DUSIB to, unilaterally, take up and execute any project or scheme qua the properties of the Respondent No. 1/DDA.

**13. That in suppression of the earlier policies, the Government of NCT of Delhi has formulated "*The Delhi Slum and Jhuggi Jhopri Rehabilitation and Relocation Policy, 2015*" [hereinafter to be called as referred as Rehabilitation Policy - 2015] which has been issued on 11.12.2017. Briefly stating, the process of determination of the eligibility commences with a request by the Land-Ownning Agency for removal/rehabilitation of the identified JJ Cluster. As explicitly stated in the policy, such a request by the Land- Ownning Agency must be accompanied with a tentative cost. However, currently, no such request has been received either from the concerned Land-Ownning Agency i.e. DDA and, since the Land-Ownning Agency is DDA, there is no question of receipt of any request from MCD.**

14. That, in terms of the Rehabilitation Policy – 2015, DUSIB has been nominated '*Nodal Agency*' for relocation of JJ Basties situated upon the land belonging to MCD, Delhi Government or its Agencies. Pertinently, in so far as the Central Government and/or its agencies are concerned, the Rehabilitation Policy has prescribed that they may either delegate the task to DUSIB or may do the same on their own by following the Rehabilitation Policy.

15. That in the above context of the matter, the kind attention of this Hon'ble Court is invited to the order dated 20.09.2017 whereby the Hon'ble Lt. Governor of Delhi has nominated DDA as 'State



Level Nodal Agency' for in-situ rehabilitation of slum dwellers in respect of lands belonging to Central Government and its agencies under Pradhan Mantri Awas Yojna-Housing for All (Urban) [PMAY-HFA (U)] in Delhi. A copy of the said order dated 20.09.2017, issued under the orders of the Hon'ble Lt. Governor of Delhi, is being annexed herewith as **ANNEXURE – R/1.**

16. That the DUSIB is in receipt of a letter dated 15.09.2022 sent by DDA wherein, while acknowledging its role as Nodal Agency for rehabilitation in respect of Slums situated on the land belonging to Central Government and its agencies, the DDA has intimated that, except L&DO, no other agency has given consent for rehabilitation of the slums situated on their respective lands. A copy of the said letter dated 15.09.2022 is being annexed herewith as **ANNEXURE - R/2.**

**17. That since, in the instant case the land underneath the subject JJ Basti, is owned by the DDA which is an agency of the Central Government, as such, in view of the above- mentioned order dated 20.09.2017, any action for rehabilitation of the dwellers is required to be taken by the Delhi Development Authority.**

18. That without prejudice to the above, it is also pertinent to mention here that, as of now, DUSIB is not in a position to carry out rehabilitation in view of circular dated 31.12.2020 issued by Ministry of Housing and Urban Affairs (MoHUA), Government of India and deemed converted into Affordable Rental Housing Complexes (ARHCs). As a result of the impasse, this Hon'ble Court has initiated Suo-Moto proceedings being *W.P.(C) 9470/2022 titled as "Court on its own Motion Vs. Govt. of NCT of Delhi & Ors."* wherein, vide order dated 18.09.2023, a Division Bench of this Hon'ble Court has been pleased to constitute a High- Powered Committee and has tasked the said Committee to streamline the process of house allotment to eligible beneficiaries as well for chalking out a clear and concise policy for the allocation and allotment of houses. Consequently, in so far as the Answering Respondent/DUSIB is concerned, it is not in a position to carry out any rehabilitation since it does not have any rehabilitation units available at its disposal for allotment even to dweller(s) who have already been found to be eligible. A copy of the said order dated



18.09.2023, passed in *W.P.(C) 9470/2022 titled as Court on its own Motion Vs. Govt. of NCT of Delhi & Ors.* by this Hon'ble Court, is hereby annexed as **ANNEXURE – R3.**

**(emphasis supplied)**

5. From the above, it can be ascertained that the demarcation in terms of order dated 20.05.2013 had taken place on 16.02.2016; however, nothing has been placed on record with respect to the steps taken by the DDA with regard to further compliance of directions (ii) and (iii) of the aforesaid order.
6. Let a comprehensive affidavit be placed on record under signatures of the Vice-Chairman, DDA, before the next date of hearing.
7. List on 16.07.2026.

**AMIT SHARMA, J**

**MARCH 24, 2026/kr**