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

+ W.P.(C) 11151/2016 and CM Nos. 43596/2016 & 5368/2017

BHOMIHEEN VIKAS MANDAL Petitioner
Through: Ms Suman Chauhan, Advocate.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD Respondent
Through: Mr Parvinder Chauhan, Advocate for
DUSIB.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **27.07.2017**

1. The petitioner has filed the present petition impugning a letter dated 19.10.2016 whereby the respondent (DUSIB) had cancelled the allotment of Basti Vikas Kendra in favour of the petitioner. This was done for the reason that the Basti Vikas Kendra was being used for various other unauthorised purposes. The Basti Vikas Kendra was initially allotted to the petitioner for the purpose of Balwadi, Creche, health programmes and old age activities. However, it is the case of the petitioner that the said activities were only carried out from Monday to Friday between 09:00 a.m. to 05:00 p.m. and thereafter the premises in question were used for the benefit of the dwellers of the JJ clusters around the area for the purpose of Barat Ghar and as a venue for social functions etc. The petitioner claims that this was a long standing demand of the dwellers of the area and a representation to this effect was also submitted to DUSIB.

2. In view of this Court, the most appropriate course for the petitioner would have been to take the necessary permission from DUSIB for using the Basti Vikas Kendra for any other purpose, which it was not specifically authorised so. Since that was not done, it is the petitioner's conceded position that Basti Vikas Kendra had been utilised for purposes other than what it was allotted for. However, there may be some merit in the petitioner's contention that a venue for social functions may also be necessary for the dwellers of the JJ cluster and the Basti Vikas Kendra could be conveniently used for such alternative purposes after conclusion of the day time activities.

3. In the circumstances, the present petition and the pending applications are disposed of by directing DUSIB to consider the petitioner's request and if it is considered favourably, to cancel the impugned letter. However, if DUSIB decides to reject the same, the petitioner would be at liberty to appeal against the said order before the Lt. Governor in terms of Section 45 of the Delhi Urban Shelter Improvement Board Act, 2010.

VIBHU BAKHRU, J

JULY 27, 2017
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