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

+ LPA 282/2018 & CM APPL 20533-20536/2018

DELHI URBAN SHELTER IMPROVEMENT BOARD

Through Mr.Parvinder Chauhan and Ms.Nitin Jain, Advocates for DUSIB. Appellant

versus

ABDUL REHMAN & ORS

Through Mr.Satish Kumar Tripathi, Advocate for respondent R-1 to R-12 and R-14 along with R-1 and R-2. Respondents
Mr.Anuj Aggarwal, ASC and Ms.Deboshree Mukherjee, Advocate for GNCTD.
Mr.Dhanesh Relan, Standing Counsel and Ms.Gauri Chaturvedi, Adv. for DDA.
Ms.Jyoti Tyagi, Adv. for R-16.
SI Sohan Lal from P.S.Mehrauli.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **18.05.2018**

Notice.

Mr.Satish Kumar Tripathi, Advocate for respondent nos.1 to 12 and 14, Mr.Anuj Aggarwal, Advocate for GNCTD and Mr. Dhanesh Relan, counsel for DDA accept notice.

The appellant – Delhi Urban Shelter Improvement Board

(DUSIB) submits that the impugned order of the learned Single Judge virtually decided the writ petition at the preliminary stage. The respondents and the petitioners were represented. It is contended that an interim order came to be issued since the DUSIB did not produce any relevant policy that precluded consideration of their application for alternative plot.

According to para 3 of the impugned order the DUSIB has been directed to provide alternatives for relocating and rehabilitating the writ petitioners even if they are not eligible according to extant or existent policy or law. Since the Single Judge is seized of the proceedings, this Court is of the opinion that para 3 should not be construed as a directions at this stage and it is open to the parties to urge all the contentions and thus DUSIB can place its position on the merits of the petitioners' claim; equally it is open to the writ petitioners to contend that in accordance with the DUSIB policy and other relevant laws they are entitled to the grant of alternative plots and rehabilitative measures.

The appeal is disposed of in the above terms.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MAY 18, 2018

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