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

+ W.P.(C) 4028/2024, CM APPL. 16418/2024 & CM APPL.
16419/2024

MUSTAK SHADAT

..... Petitioner

Through: Ms. Oindrila Sen & Mr. Jimut
Mohapatra, Advs.
M: 9971977064
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versus

DELHI DEVELOPMENT AUTHORITY & ANR. Respondents

Through: Mr. Ashim Vachher, Standing
Counsel with Mr. Kunal, Adv. for
DDA.
M: 9811023217
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ashimvachher@vachherassociates.co
m
Mr. Rishikesh Kumar, ASC, GNCTD
with Ms. Sheenu Priya, Mr. Atik Gill,
Mr. Sudhir Kumar Shukla & Mr.
Sudhir, Advs. for R-2.
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officeofadvrshikeshkumar@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
18.03.2024

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CM APPL. 16419/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.



W.P.(C) 4028/2024 & CM APPL. 16418/2024

3. The present petition has been filed *inter alia* seeking quashing and setting aside of the letter dated 10th November, 2021 issued by respondent no.1-Delhi Development Authority (“DDA”) and praying for grant of alternate accommodation to the petitioner in terms of the DDA Policy.

4. Learned counsel appearing for the petitioner submits that by way of the impugned letter dated 10th November, 2021, the petitioner and his family, who used to reside on the upper floor of their Jhuggi at Kathputli Colony, have been declared ineligible and denied alternate accommodation on the sole ground that the petitioner has not been able to produce a separate Ration Card as per the eligibility criteria in the JJ Rehabilitation and Relocation Policy on DDA Land (DDA Policy).

5. Learned counsel appearing for the petitioner submits that in the year 2014 the petitioner had approached the concerned authorities for issuance of a Ration Card. However, the petitioner was turned away, and was informed that no new Ration Card was being issued. Thus, it is submitted that the petitioner does not have a Ration Card on account of the aforesaid.

6. It is submitted that a survey was conducted by the DDA wherein the petitioner and his family were initially considered eligible for allotment of alternate flat under the DDA Policy for Rehabilitation.

7. Subsequently, on 27th December, 2016, an Eviction-cum-Removal Slip bearing no. D.S. No. 00949 was issued in the name of the petitioner by the respondent no.1-DDA, wherein the petitioner was found eligible for allotment of an alternative flat under the *in-situ* Scheme as per the Policy of the DDA.

8. It is submitted that the petitioner’s Jhuggi was demolished in the year



2016 and on 28th December, 2016, the petitioner along with his family were moved to a temporary Transit Camp at Anand Parbat, where they are currently residing in House No. 2758.

9. It is submitted that a verification slip was also provided to the petitioner by respondent no.1-DDA, which shows that the petitioner had provided his Election Card and Aadhar Card at the time of submitting of the documents.

10. It is submitted that by letter dated 15th November, 2021, the petitioner filed a representation against the ineligibility letter dated 10th November, 2021 before the Appellate Authority of respondent no.1-DDA, stating therein that despite possessing the requisite documents, the petitioner had been disqualified from grant of alternate accommodation.

11. Learned counsel appearing for the petitioner submits that in the year 2014 the petitioner had approached the concerned authorities for issuance of a Ration Card. However, the petitioner was turned away, and was informed that no new Ration Card was being issued. Thus, it is submitted that the petitioner does not have a Ration Card on account of the aforesaid.

12. It is submitted that till date no hearing has been conducted in the said appeal, nor has the petitioner been called before the Appellate Authority of DDA for an opportunity of hearing.

13. Learned counsel for the petitioner submits that the immediate grievance of the petitioner is that the petitioner and his family may not be removed from the Tansit Camp, Anand Parbat, since on account of the fact that the petitioner has been held ineligible for *in-situ* accommodation.

14. Issue notice. Notice is accepted by learned counsels appearing for the respondents.



15. Learned Standing Counsel appearing for respondent no.1-DDA submits that appeal filed by the petitioner is still pending before the Appellate Authority.

16. I have heard learned counsel for the parties and have perused the record.

17. Considering the fact that the appeal of the petitioner is still pending with the Appellate Authority, it is directed that till the decision of the appeal of the petitioner by the Appellate Authority and two weeks thereafter, no coercive steps shall be taken against the petitioner for removal of the petitioner from the Transit Camp.

18. It is further directed that before the appeal of the petitioner is decided, requisite hearing shall be granted to the petitioner.

19. With the aforesaid directions, the present petition is disposed of.

20. Needless to state that this Court has not expressed any opinion on the merits of the case of either of the parties.

MINI PUSHKARNA, J

MARCH 18, 2024/kr