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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5282/2020**
ASHA COMMUNITY HEALTH AND DEVELOPMENT SOCIETY,
THROUGH ITS
AUTHORISED SIGNATORYPetitioner

Through: Mr. Syed Jafar Alam, Mr. Akshay
Bhatia and Ms. Ankita Kamath,
Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD OF NCT OF
DELHI & ORS.Respondents

Through: Mr. Anuj Chaturvedi, Ms. Richa
Dhawan, Advocates for respondent
No.1/ DUSIB.
Mr. Sandeep Kumar Mahapatra and
Mr. Tribhuvan, Advocates for
respondent no.3.
Mr. Rajesh Gogna, CGSC for UOI
with Ms. Priya Singh and Ms. Rebina
Rai, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
04.07.2025

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W.P.(C) 5282/2020 & CM APPL. 37098/2025 (Stay by petitioner)

1. The present writ petition was first taken up for consideration on 14.08.2020 when the Predecessor Bench while noting the order dated 13.01.2020 passed by the Division Bench of this Court in **LPA No. 495/2018** titled 'Rajeev Neelu Kachwaha Charitable Trust (NGO-Swati) v. Delhi Urban Shelter Improvement Board & Ors', restrained the respondents from taking any action against the porta cabin allotted to the petitioner on license



basis by the respondent No.1.

2. Concededly, the porta cabin is situated on a land which has now been allotted to Rajya Sabha Secretariat. Moreover, the aforesaid LPA has been disposed of by vacating the stay granted to the petitioner. The relevant extract of the decision of the Division Bench is extracted hereunder:-

“22. Insofar as giving of any alternate site is concerned, the same is purely within the domain of DUSIB and the L&DO. The Appellant Trust’s NGO which was operating for the purposes of the Kanak Durga Basti, as a licensee, cannot claim any rights of alternate land over a particular land of its choosing. The circumstances that led to the allotment of alternate land to the M/s Ashutosh Davar Trust, are not before the Court. The Appellant cannot claim parity as a matter of right, especially when the initial terms of allotment are crystal clear that it is merely a licensee. The Appellant Trust may have rendered good services for the children in the Basti but the land is Government land and now stands allotted to the Rajya Sabha Secretariat. As per submissions made today, it is clear that the Secretariat is unable to utilise the land for its own purposes, in view of the presence of the Appellant.

...

24. However, the alternate allotment, shall not hold up the handing over of the present premises to the authorities. Accordingly, considering that the Trust has been in possession for several years, as requested on behalf of the Appellant by Mr. Rao, it is directed that the Appellant Trust shall hand over the vacant and peaceful possession of the allotted land at Kanak Durga Basti, R.K. Puram, Delhi by 30th June, 2025. If the same is not handed over, post 30th June 2025, DUSIB / Rajya Sabha Secretariat, are free to take over the possession of the said land...”

3. In view of the aforesaid, learned counsel for the petitioner states upon instructions that the petitioner undertakes to vacate the porta cabin within four weeks from today. He however submits that the petitioner’s case be



considered by the respondent No.1 for allotment on an alternate site. He submits that a comprehensive representation in this regard would be made by the petitioner to the respondent No.1.

4. Learned counsel for the respondent No.1 states upon instructions that in case such a representation is made, the same shall be considered on its own facts.

5. Accordingly, it is directed that in case any such representation is made by the petitioner to the respondent No.1 then the same be considered by the respondent No.1 in line with the observations of the Division Bench and decided within three months thereof with opportunity to the petitioner of personal hearing.

6. The petitioner shall file an affidavit in terms of the undertaking made today before this Court and recorded hereinabove. On petitioner's failure to vacate the premises within the time granted, the respondents would be at liberty to take steps for taking possession of the land in accordance with law.

7. The petition is disposed of accordingly along with the application.

8. Needless to state that this Court has not made any observation on the merits of the case and the petition is disposed of in terms of the undertaking given by the petitioner. Further, representation, if any is made, the same shall be considered on its own merits.

9. The already scheduled date of 18.08.2025 stands cancelled.

MANOJ KUMAR OHRI, J

JULY 4, 2025/rd