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

+ **W.P.(C) 7054/2025, CM APPL. 31838/2025, 31839/2025**

G PUSHPA & ANR.

.....Petitioner

Through: Ms. Shreya Munoth, Ms. Asawari
Sodhi, Ms. Aswathi Menon, Advs.

versus

**DELHI URBAN SHELTER IMPROVEMENT BOARD DUSIB
THROUGH THE CHIEF EXECUTIVE OFFICER & ORS.**

.....Respondent

Through: Mr. Anuj Chaturvedi, Adv.
Mr. Prabhasahay Kaur (Standing
Counsel) along with Mr. Aditya
Verma, Ms. Kavya Shukla, Advs. for
R3.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

22.05.2025

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1. The present petition has been filed seeking the following prayers –

“a) Issue an appropriate writ, direction, or order, to quash the order dated 06.05.2025 bearing no. DD/Rehab/2025/DUSIB/D-192 passed by the Principal Director, DUSIB, Respondent No.1 declaring the Petitioners ineligible for allotment of an alternative dwelling unit;

b) Issue an appropriate writ, direction, or order, to quash the order dated 07.04.2025 passed by the Ld. Appellate Authority, Respondent No. 1, declaring the Petitioners ineligible for allotment of an alternative dwelling unit;

c) Issue an appropriate writ, direction or order directing the Respondents to forthwith grant the Petitioners a letter of demand cum allotment for the alternate dwelling unit that they are eligible for;

d) Issue an appropriate writ, direction or order directing the Respondents to grant the Petitioners a possession letter for the alternate dwelling unit that they are eligible for; and



e) Grant such other relief or further directions as this Hon'ble Court deems fit in these facts and the circumstances."

2. The petitioners are stated to be residents of the '*Madrasa Camp*' *jhuggi*, Jangpura JJ Basti [hereinafter '*Madrasa Camp*'] which is a protected *basti* under the Delhi Urban Shelter Improvement Board Act, 2010 (DUSIB Act).
3. The petitioners had appeared before the Eligibility Determination Committee (EDC) for determination of eligibility to avail rehabilitation under the Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015 (hereinafter '*the DUSIB Policy 2015*').
4. *Vide* order dated 27.11.2024, the EDC declared the petitioners to be ineligible for allotment of alternative dwelling unit under the DUSIB Policy, 2015.
5. Aggrieved by the aforesaid order, the petitioners filed an appeal before the Appellate Authority constituted in terms of the Para 3, Part B of the DUSIB Policy, 2015. *Vide* order dated 07.04.2025, the said appeal came to be rejected on account of the petitioners being unable to produce any of the documents prescribed under the DUSIB Policy, 2015 for establishing eligibility thereunder. The said order reads as under –

**“ ORDER
07.04.2025**

SURVEY NO.SS26/29
T Huts-432B, Madrasa Camp, Jungpura New Delhi-110014

This appeal is against the decision of EDC, which bases its decision on parameters of eligibility contained in Rehabilitation Policy, 2015. The mandate of the Appellate Authority is only to the extent to see if the EDC has ignored and relevant policy matter or has included any other parameter that is beyond the policy. The Appellate Authority is only to look into the



exceeding of power by EDC or to check if any extraneous consideration has entered in dismissing the claim of the appellant.

G Pushpa w/o S A Govinthu is present in person before the Appellate Authority. Her appeal is against the decision of the Eligibility Determination Committee to declare her ineligible vide order dated 27.11.2024, for the allotment of alternative dwelling unit for the reason that applicant (Smt. G. Pushpa) failed to produce any of the 12 prescribed documents in the policy, (2) Spouse S.A Govinthu name does not exist in the voter list 2024 of survey year.

The appeal was heard by the Appellate Authority. Appellant failed to produce any of the 12 prescribed documents as per the policy.

Hence the appeal is rejected.

C.K. Chaturvedi
Member (J)

Anita Gupta
Member"

6. Vide order dated 06.05.2025, the aforesaid order came to be confirmed by the competent authority. The said order reads as under –

"No. DD/Rehab/2025/DUSIB/D-192

Date: 06/05/25

ORDER

The Eligibility Determination Committee (EDC) in its meeting held on dated 27.11.2024 rejected the claim/application of G Pushpa w/o S A Govindhu, SS26/29, T Huts-432-B, Madrasi Camp, Jangpura New Delhi-110014 for alternative allotment as per Policy dated 11.12.2017 & declared you ineligible with the reasons that:

i) The applicant (Smt. G. Pushpa) failed to produce any of the 12 prescribed documents as per the policy 2015.

ii) Spouse S. A Govinthu name does not exist in the voter list 2024 i.e. year of survey.

2. Accordingly you were informed vide in-eligibility letter no:D-40/Dy. Director (Rehab)/DUSIB/2024 dated 27.11.2024.

3. The claimant being aggrieved with the decision of EDC filed an Appeal on dated 06.12.2024.

4. The Appellate Authority vide its order dated 07.04.2025 rejected the appeal of appellant/claimant with reason that:

i) The appellant failed to produce any of the 12 prescribed documents as per



policy.

5. The order of the Appellate Authority dated 07.04.2025 was placed before Competent Authority. The order of the Appellate Authority is accepted by the Competent Authority.

(पी. के. झा)

प्र. निदेशक (पुनर्वास)

7. Attention is drawn to the fact that both the Appellate Authority and the EDC have declared the petitioner to be ineligible for rehabilitation under the DUSIB Policy, 2015 by passing orders in a mechanical and cryptic manner without actually considering the documents which the petitioner is in possession of, which date back to the year 2010 and which establish the eligibility of the petitioners under the DUSIB Policy, 2015.

8. The list of requisite documents which are required for the purpose of assessing eligibility are provided under Paragraph 2 in Part B of DUSIB Policy, 2015 which are as follows:-

- i. Passport;
- ii. Ration Card with photograph;
- iii. Electricity bill;
- iv. Driving License;
- v. Identity Card/ Smart Card with photograph issued by State/ Central Government and/ or its Autonomous Bodies/ Agencies like PSU/ Local Bodies (except EPIC);
- vi. Pass book issued by Public Sector Banks/ Post Office with photograph;
- vii. SC/ST/OBC Certificate issued by the Competent Authority;
- viii. Pension document with photograph such as Ex-serviceman's Pension



Book, Pension Payment Order, Ex-serviceman widow/ dependent certificate, old age pension order or widow pension order;

- ix. Freedom Fighter Identity Card with photograph;
- x. Certificate of physically handicapped with photograph issued by the Competent Authority;
- xi. Health Insurance Scheme Smart Card with photograph (Ministry of Labour scheme);
- xii. Identity card with photograph issued in the name of the descendant(s) of the slum dweller from a Government school or Certificate with photograph issued by the Principal of a Government School mentioning therein that the descendant(s) of the JJ dweller is/was the student of the school.

9. Learned counsel for the petitioner specifically submits that the petitioner is in possession of documents mentioned under point nos. (iii), (v) and (xii), as prescribed above. However, it is submitted that the same has not been considered either by the EDC or the Appellate Authority.

10. Issue notice.

11. Learned counsel, as aforesaid, accepts notice on behalf of the respondents.

12. Considering the categorical submissions of the learned counsel for the petitioner that the petitioners were in possession of the aforesaid documents, rendering them eligible for rehabilitation under the DUSIB Policy, 2015, the matter is remanded to the EDC for re-assessing the eligibility of the petitioners.

13. In case, the petitioners are able to produce the requisite documents and in case the EDC is satisfied with the veracity and genuineness thereof,



an appropriate decision be taken by the EDC.

14. In case the EDC finds the petitioners are eligible for rehabilitation under the DUSIB Policy 2015, the petitioners shall necessarily be entitled to the same benefits which are being afforded to all the other beneficiaries of the locality under DUSIB Policy, 2015.

15. It is agreed between the parties that the aforesaid order will enure only for the benefit of petitioner no.1.

16. The present petition is disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

MAY 22, 2025/uk