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

+ W.P.(C) 7351/2025 and CM APPL.33042/2025

SMT JANKI & ANR.

.....Petitioners

Through: Mr. Abhimanyu Mahajan, Ms. Shreya Munoth, Ms. Rupali Samuel, Ms. Aswathi Menon, Ms. Asawari Sodhi and Ms. Anubha Goel, Advocates.

Versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD (DUSIB) THROUGH THE CHIEF

EXECUTIVE OFFICER, GOVT. OF NCT OF DELHI, & ORS.

.....Respondents

Through: Mr. Anuj Chaturvedi, Ms. Richa Dhawan and Ms. Harshita Maheshwari, Advocates for R1.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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28.05.2025

1. The present petition has been filed by the petitioners being aggrieved by their non-consideration under the Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015 (hereinafter '*the DUSIB Policy, 2015*') on account of being unable to attend the survey conducted by the Eligibility Determination Committee (EDC) of the Delhi Urban Shelter Improvement Board (DUSIB / respondent no.1) between 26.11.2024 to 02.12.2024.
2. The petitioners in the present petition are residents in '*Madras Camp jhuggi jhopri basti*' which is located beside Barapulla Nalla in Jangpura B near Nizamuddin Railway Station and is a protected *basti* under the Delhi Urban Shelter Improvement Board Act, 2010 (DUSIB Act, 2010).



3. Pursuant to order dated 09.05.2025 in W.P.(C) 8035/2024 passed by a Division Bench of this Court, demolition of the '*Madrasi Camp*' is slated to take place from 01.06.2025.
4. In terms of the Delhi Slum Jhuggi Jhopri Rehabilitation and Relocation Policy, 2015 [hereinafter '*the DUSIB Policy, 2015*'], individuals and families who have been residing in protected *basti/s* since prior to 01.01.2015 are entitled to rehabilitation thereunder.
5. It is submitted that the petitioners have sufficient documents such as voter identity card [appended as Annexure P-10 and P-11]; Aadhar Card [appended as Annexure P-12 and P-13]; a copy of an electricity bill in the name of the petitioner no.2 reflecting date of energisation as 18.12.2008 [appended as Annexure P-14] to establish their residence in '*Madrasi Camp*' since prior to the cut-off date under the DUSIB Policy, 2015 i.e. 01.01.2015. However, on account of not being able to attend the survey conducted by the respondent no.1 and the imminent demolition of '*Madrasi camp*', it is submitted that the petitioners are at risk of being rendered homeless despite being eligible for rehabilitation under the DUSIB Policy, 2015.
6. It is the case of the petitioners that at the relevant time when the aforesaid survey was being conducted, the petitioners were not in Delhi on account of the petitioner no.2 being hospitalized due to his medical condition (asthma) and his wife i.e. petitioner no.1 was tending to him [as submitted *vide* written submissions]. As a result, the petitioners could not appear before the EDC for determination of eligibility for rehabilitation under the DUSIB Policy, 2015.
7. Learned counsel for the petitioners submits that the name of the petitioner no.1 as also her JJ unit, is also reflected in a list of 34 JJ units in



‘Madrasi Camp’, in respect of which, none appeared on the date of the survey.

8. It is submitted that despite the petitioners approaching the respondent no.1 and sending a representation dated 22.05.2025, the petitioners’ request for assessment of eligibility for rehabilitation under the DUSIB Policy, 2015 has not been addressed.

9. Issue notice.

10. Learned counsel, as aforesaid, accepts notice on behalf of the respondent no.1.

11. Learned counsel for the respondent no.1 submits that the petitioners’ right to seek assessment of their eligibility for rehabilitation under the DUSIB Policy, 2015 stands foreclosed inasmuch as they failed to approach this Court in terms of the directions contained in paragraph 5 of the order dated 20.12.2024 passed by a Division Bench of this Court in W.P.(C) 8035/2024 and connected matters, subsequent to not being able to participate in the survey conducted between 26.11.2024 to 02.12.2024. The directions contained in the order dated 20.12.2024 read as under –

“5. As per the above stated survey, overall 189 jhuggi dwellers have been found to be eligible and 182 jhuggi dwellers have been found to be ineligible. The list of eligible jhuggi dwellers has been annexed as Annexure 4 (Colly) with the affidavit. It is seen that some 34 jhuggi dwellers had not appeared before the DUSIB. Last opportunity shall be given to such jhuggi dwellers who did not appear before the DUSIB to determine their eligibility by appearing in Court by moving an application and make submissions which they wish to make within one week, failing which it shall be deemed that they have nothing to say in the matter.”

12. In rejoinder, learned counsel for the petitioners submits that in light of subsequent developments in the aforesaid petition i.e. W.P.(C) 8035/2024, an order dated 09.05.2025 has been passed by the Division Bench whereby,



it has been, *inter alia*, directed as under –

“f) While the Authorities are present in the Madrasi Camp, if any residents or dwellers therein have missed out on the survey which was already held, a Survey would be conducted and such residents can get their eligibility determined by the DUSIB accordingly.”

13. *Prima facie*, in view of the aforesaid directions contained in the aforementioned order dated 09.02.2025, the petitioners cannot be precluded from the scope of consideration under the DUSIB Policy, 2015 merely on the basis that they could not participate in the survey which was initially conducted by the respondent no.1 from 26.11.2024 to 02.12.2024. The order dated 20.12.2024 cannot be construed as foreclosing the right of eligible applicants to seek rehabilitation, even if otherwise eligible, for reason of non-participation in the initial survey for reasons beyond their control. For else, there would have been no occasion for the Division Bench to issue the aforementioned directions on 09.05.2025. The same clearly protect applicants such as the petitioners.

14. In the circumstances, the matter is remanded to the EDC for determining the eligibility of the petitioners for rehabilitation under the DUSIB Policy, 2015.

15. It is clarified that the respondent no.1 shall be at liberty to determine the eligibility of the petitioners in terms of all relevant criteria set out in the DUSIB Policy, 2015, including Paragraph 1(iii) and Paragraph 1(vi) of Part B of the DUSIB Policy, 2015.

16. The said exercise shall be carried out within a period of two weeks from today. In case the petitioners are found eligible for rehabilitation, they shall be treated at par with the other beneficiaries who have been found eligible for rehabilitation under the DUSIB Policy, 2015.



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

MAY 28, 2025/dn

SACHIN DATTA, J