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

+ W.P.(C) 7458/2025, CM APPL. 33350/2025, CM APPL. 33351/2025

MS VELARMADI

....Petitioner

Through: Ms. Zeba Khair, Ms. Sitwat, Ms.
Aditi Chaudhary and Mr. Arjun,
Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD & ORS.

.....Respondents

Through: Mr. Anuj Chaturvedi, Adv. for R1.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

27.05.2025

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1. The present petition has been filed by the petitioner assailing an order dated 08.04.2025 passed by the Appellate Authority, Delhi Urban Shelter Improvement Board (DUSIB) and duly accepted by the respondent no.1/Delhi Urban Shelter Improvement Board, by which, the ineligibility letter dated 28.11.2024 issued by the Eligibility Determination Committee (EDC), DUSIB was upheld and the petitioner was found to be ineligible for rehabilitation under the Delhi Slum and Jhuggi Jhopri Rehabilitation and Relocation Policy, 2015 [hereinafter '*the DUSIB Policy, 2015*']

2. It is submitted that the same was done without due regard to the documentary evidence procured by the petitioner and referred to in the appeal filed by the petitioner. It is further submitted that the same is in disregard and repugnant to the DUSIB Policy, 2015. It is pointed out that as per the eligibility criteria set out in Clause 1(iii) of the DUSIB Policy, 2015, the name of the "*Jhuggi Jhopri*" dweller must appear in "one of the voter



lists in the year 2012, 2013, 2014 & 2015 (prior to 01.01.2015) and also in the year of survey” for the purpose of rehabilitation.

3. It is submitted that the petitioner is in possession of several documents as required under Paragraph 2 of Part B of the DUSIB Policy, 2015 which establishes that the petitioner has been residing at ‘*Madrasi Camp*’ (the concerned “*Jhuggi Jhopri*” Cluster) and thereby, the petitioner has been able to cogently establish her eligibility under the DUSIB Policy, 2015. However, the sole reason on the basis of which EDC has declared the petitioner ineligible for rehabilitation under DUSIB Policy, 2015, is that her name did not exist in the voter list for the year of the survey i.e. 2024.

4. In the appeal filed by the petitioner before the appellate authority, it was specifically pleaded as under:-

“Sir,

With due respect, I, Valarmadi, daughter of Appaswamy, aged 41 years, residing at 438 Madrasi Camp, Jangpura, New Delhi, wish to inform you that a survey (SD56/168) of Madrasi Camp was conducted under the Delhi Slum & JJ Rehabilitation and Relocation Policy - 2015 by the Delhi Government. As per the government's conditions, my name was not in the voter list of 2024, due to which my eligibility was determined, and my application was rejected.

Madam, during the 2024 voting period, I had to go to my village for my brother's daughter's wedding, and voting was also taking place during that time. After receiving the letter of application rejection, I came to know that my name had been removed from the voter list, even though my son Prashant had voted in 2024, and I am enclosing a copy of my son Prashant's voter list entry. After knowing the reason for the application rejection, I am also enclosing a copy of my voter slip from before 2024, when my name was included in the voter list, and other necessary documents.

I humbly request you to reactivate my rejected application and accept my documents. I would be highly obliged.”

5. Thus, the petitioner has clearly given the reasons for non-inclusion of



her name in the voter list of 2024. Importantly, it has been pointed out by the petitioner that the name of her son (Prashant) was included in the voter list for the year 2024 and the same *prima facie* establishes the eligibility of the petitioner in terms of Clause 1(iii) of the DUSIB Policy, 2015.¹

6. In any event, it was incumbent on the appellate authority to consider the aforesaid pleas of the petitioner as raised in the appeal. Instead of doing so, the appellate authority has passed a cryptic order summarily rejecting the appeal by making the following observations:

“The appeal was heard by the Appellate Authority. Appellant produced the documents which were already produced by her in the EDC and no new documents are produced by her in the appeal except driving license. Appellant failed to produce her name in the voter list of 2024 i.e. in the year of the survey.

Hence the appeal is rejected.”

7. Clearly, the order of the appellate authority is unreasoned and fails to consider the pleaded case of the petitioner. Consequently, the said order dated 08.04.2025 is aside. The matter is remanded back to the Appellate Authority for a fresh consideration.

8. The Appellate Authority will consider the pleas of the petitioner and also afford an opportunity of hearing to the petitioner and thereafter pass a reasoned order under intimation to the petitioner. The Appellate Authority shall also give an opportunity to the petitioner to produce deficient documents, if any, prior to taking a final view in the matter. In view of the ongoing relocation of the concerned *Jhuggi* cluster, which is under process, the Appellate Authority is directed to complete the aforesaid exercise within

¹ (iii) The name of the Jhuggi Jhopri dweller must appear in at least one of the voter lists of the years 2012, 2013, 2014 and 2015 (prior to 01.01.2015) and also in the year of survey, for the purpose of rehabilitation;
...



a period of 2 weeks from today.

9. The present petition stands disposed of in the above terms. Pending applications also stand disposed of.

SACHIN DATTA, J

MAY 27, 2025/at