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

+ W.P.(C) 7439/2025, CM APPL. 33295/2025, CM APPL. 33296/2025

RANJANI

.....Petitioner

Through: Ms. Vrinda Bhandari, Ms. Anandita Rana, Ms. Vanshita Gupta and Ms. Pragya, Advocates.

versus

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

.....Respondents

Through: Mr. Anuj Chaturvedi, Adv. for R1.
Ms. Prabhasahay Kaur, Ms. Kavya Shukla and Ms. Harshika Rai, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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27.05.2025

1. The present petition assails the order dated 06.05.2025 bearing No. DD/Rehab/2025/DUSIB/D-178 (hereinafter '*the impugned order*') passed by the Chief Executive Officer, Delhi Urban Shelter Improvement Board (DUSIB) [respondent no.1], by which, the order dated 08.04.2025 passed by the Appellate Authority, DUSIB has been set aside and the petitioner's claim for rehabilitation under the Delhi Slum and J.J. Rehabilitation and Relocation Policy, 2015 (hereinafter '*the DUSIB Policy, 2015*') has been rejected.

2. The petitioner claims to be a resident of '*Madrasī Camp*' Jangpura JJ basti [hereinafter '*Madrasī Camp*'] which is a protected basti under the Delhi Urban Shelter Improvement Board Act, 2010 (DUSIB Act).



3. The petitioner had sought for rehabilitation / allotment of alternative dwelling unit under the DUSIB Policy, 2015 against the Joint Survey No. SD 48/159. *Vide* communication dated 02.12.2014 issued by the Eligibility Determination Committee (EDC), the petitioner was declared ineligible for rehabilitation under the DUSIB Policy, 2015 on account of the fact that the petitioner had “failed to produce any one of 12 prescribed documents”. The said communication dated 02.12.2024 reads as under –

अपात्रता पत्र

(In-eligibility Letter)

संख्या: डी. 292/उपनिदेशक(पुनर्वास)/ दि.श.आ.सु.बो./2024

दिनांक : 02.12.24

दिल्ली सरकार द्वारा दिनांक 11.12.2017 को पारित Delhi Slum & JJ Rehabilitation and Relocation Policy -2015 के आधार पर पात्रता निर्धारण हेतु कैम्प का आयोजन दिल्ली शहरी आश्रय सुधार बोर्ड, राजा गार्डन, नई दिल्ली में दिनांक 2/12/24 को किया गया। श्रीमति/श्री रंजनी (RANJANI) पुत्री/पुत्र अन्नामलाई (ANNAMALAI) उम्र 32 एवं श्रीमति/श्री ए एलुमलिया (A ELUMALIA) पुत्री/पुत्र अरुणाचलम (ARUNACHALAM) उम्र 41 निवासी 157, मद्रासी कैम्प, जंगपुरा, नई दिल्ली (157, MADRASI CAMP, JANGPURA, NEW DELHI) सर्वे संख्या SD48/159 को सूचित किया जाता है कि उनके द्वारा पुनर्वास हेतु दिये गये दिनांक 2/12/24 के आवेदन पत्र एवं दस्तावेजों की विभाग द्वारा गठित पात्रता निर्धारण समिति द्वारा जांच की गई तथा पाया के आप उक्त नीति की निम्नलिखित शर्तों को पूरा नहीं करते अतः आपका आवेदन निरस्त किया जाता है:

Applicant failed to produce any one of 12 prescribed documents. Hence Ineligible.

यदि आप पात्रता समिति के निर्णय से सहमत नहीं हैं अथवा आपके पास वह दस्तावेज उपलब्ध है जिसके कारण आपका आवेदन निरस्त किया गया है तो आप अपील ऑथोरिटी के समक्ष 30 दिन के अन्दर अपील कर सकते हैं। अपील के लिए प्रार्थना पत्र प्रधान निदेशक (पुनर्वास) को पुनर्वास भवन, आई पी एस्टेट, नई दिल्ली 110002 स्थित कार्यालय में उन दस्तावेजों की प्रतियों के साथ जमा कराये जिस कारण से आपका आवेदन पात्रता निर्धारण समिति द्वारा निरस्त किया गया है। कृपया नोट करें की यदि आप निर्धारित समय में पुनर्वास के प्रावधानों के अनुसार ज़रूरी दस्तावेज नहीं जमा करा पाए तो किसी भी परिस्थिति में भविष्य में आपका आवेदन पर विचार नहीं किया जाएगा।

पत्र प्राप्त किया E. Ranjani

(लाभार्थी के अंगूठे के निशान/हस्ताक्षर)

A. 558 00000



उपनिदेशक
(पुनर्वास)

Deputy Director (Rehab.)
DUSIB

4. Aggrieved by the said decision, the petitioner filed an appeal on 26.12.2024 before the Appellate Authority, DUSIB. *Vide* order dated



08.04.2025 passed by the Appellate Authority, DUSIB, the said appeal came to be allowed and the petitioner was found eligible for rehabilitation under the DUSIB Policy, 2015 on account of the petitioner providing her husband's passport, being one of the prescribed documents for assessing eligibility for rehabilitation under the DUSIB Policy, 2015. The operative portion of the said order reads as under –

“The appeal was heard by the Appellate Authority. Appellant has produced photocopy of pass port issued on her husband's name Illumallai with no. G0477638 as one of the 12 prescribed document bearing date of issue 30.10.2006 with expiry date 29.10.2016 and no. C5624897 with date of issue 20.12.2024. Appellant accepted in the appeal that his earlier pass port was expired on 29.10.2016 and since there was no need for pass port the same was not got renewed. Now it has been renewed to submit as one of 12 prescribed documents. Hence, her appeal is accepted, subject to verification of address in old pass port and continuity of pass port.”

5. Thereafter, the said order dated 08.04.2025 passed by the Appellate Authority came to be placed before the respondent no.1 in terms of Para 3(vi) of Part B of the DUSIB Policy, 2015. *Vide* impugned order dated 06.05.2025 passed by the respondent no.1, the order passed by the Appellate Authority has been set aside and the petitioner has been declared as ineligible for rehabilitation under the DUSIB Policy, 2015. The operative portion of the said order reads as under –

“5. I have carefully gone through the orders of Appellate Authority dated 08.04.2025, material on record and the extant policy guidelines. Accordingly, the following is observed:

i) Applicant produced photocopy of passport as one prescribed 12 documents which expired on 29.10.2016 and was renewed on 20.12.2024. “As per clause 1 (vi) part-B of policy dated 11.12.2017, “Jhuggi Jhopri dweller must possess any one of the 12 documents issued before 01.01.2015”, which the appellant got issued on 20.12.2024.

6. Thus, it is clear that the said appeal was decided in favour of the Appellant/Claimant which is a clear violation of the clause 1(vi) part-B of



the Relocation Policy-2015 and the Appellate Authority ignored the eligibility criteria for allotment of alternative dwelling unit.

Hence , the order of the Appellate Authority dated 08.04.2025 is set aside and the claim of the appellant/claimant is rejected.”

6. Learned counsel for the petitioner submits that the petitioner's residence in the 'Madras Camp' in terms of the aforesaid eligibility criteria under the DUSIB Policy is established on the basis of the passport bearing No. G0477638 of the petitioner's husband which was issued as far back on 30.10.2006.

7. However, it is pointed out by the learned counsel for the petitioner that the address of the petitioner as reflected in her husband's passport bearing No. G0477638 [expired on 29.10.2016] and his renewed passport bearing No.C5624897 is at variance with her current address. It is submitted that the same is attributable to the fact that the petitioner had shifted her address after the passport was initially made. It is submitted that notwithstanding the same, the petitioner continues to be in the same locality i.e. 'Madras camp' and as such continues to be eligible for rehabilitation under the DUSIB Policy, 2015.

8. It is further submitted that the petitioner's current address is reflected in her Voter ID issued on 23.03.2014 [appended as Annexure P-14] and electricity bill issued for the month of April, 2024 [appended as Annexure P-16].

9. In the present case, the Appellate Authority took note of the fact that the passport initially issued in the name of the petitioner's husband was duly issued before the cut-off date (i.e. 01.01.2015), envisaged under the paragraph 2 of Part B of the DUSIB Policy, 2015. The said passport was however renewed a few years after expiry thereof since the petitioner's



husband did not require the same in the intervening period. Nothing amiss was found by the Appellate Authority in this regard. Consequently, the petitioner was found eligible for rehabilitation under the DUSIB Policy, 2015 by the Appellate Authority.

10. The impugned order dated 06.05.2025 passed by the CEO, DUSIB takes a different view only on the basis that the renewed passport of the petitioner's husband was issued only in 2024. However, the same does not detract from the fact that the passport of the petitioner's husband was initially issued much prior to 01.01.2015 and therefore the same satisfies the requirement of Paragraph 2 of Part B of the DUSIB Policy, 2015.¹

11. Apart from the above discrepancy in the impugned order, this court has also taken a *prima facie* view *vide* order dated 20.05.2025 in W.P.(C) 6746/2025 that it is not for the CEO, DUSIB to upset a quasi-judicial determination by the Appellate Authority which is specially constituted under Paragraph 3 of Part B of the DUSIB Policy, 2015 for the purpose of determining eligibility for allotment of alternate dwelling unit for rehabilitation and relocation under the DUSIB Policy, 2015.

12. In the circumstances, the impugned order dated 06.05.2025 is set aside and the order dated 08.04.2025 passed by the Appellate Authority is restored. *Vide* order dated 08.04.2025, the Appellate Authority, *inter alia*, directs as under –

“Hence, her appeal is accepted, subject to verification of address in old passport and continuity of passport.”

¹ 2. As envisaged in Para 1 (vi) above, the JJ dweller must possess any one of the following documents issued before 01.01.2015 to become eligible for the purpose of allotment of dwelling unit:
(i) Passport



13. Let the necessary verification exercise be done by the respondents in light of the aforementioned factual conspectus regarding renewal of the passport of the petitioner's husband and the variance in the current address of the petitioner *vis-à-vis* the address mentioned in the said passport. Let the necessary verification be carried out by the respondents within a period of 2 weeks from today.

14. Learned counsel for DUSIB submits that in case the petitioner is found eligible after the necessary verification, she shall be afforded the same dispensation as has been provided to the other beneficiary/s under the DUSIB Policy, 2015. The said statement is taken on record.

15. The present petition is disposed of in the above terms. Pending applications also stand disposed of.

16. Order *dasti*.

SACHIN DATTA, J

MAY 27, 2025/at