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

+ W.P.(C) 7703/2025, CM APPL. 34205/2025

SMT AMSAVALLI & ANR.

.....Petitioners

Through: Ms. Sonal Sarda and Ms. Noyonika  
Deori, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD & ORS.

.....Respondents

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

Ms. Nitika Bhutani, Adv. for R-  
2/GNCTD.

Ms. Prabhasahay Kaur, SC, DDA  
along with Ms. Kavya Shukla and  
Ms. Harshita Rai, Advocates for  
DDA.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**

% **29.05.2025**

1. The present petition assails the order dated 06.05.2025 (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 claim of the petitioner no.1 (wife of petitioner no.2) for rehabilitation under the Delhi Slum Jhuggi Jhopri Rehabilitation and Relocation Policy, 2015 (hereinafter '*the DUSIB Policy, 2015*') has been rejected.

2. The petitioners claim to be residents of the '*Madrasi Camp*' jhuggi jhopri basti, Jangpura (hereinafter '*Madrasi Camp*') which is a protected basti under the Delhi Urban Shelter Improvement Board Act, 2010 (DUSIB



Act).

3. The petitioner no.1 had sought for rehabilitation / allotment of alternative dwelling unit under the DUSIB Policy, 2015 against the Survey No. SS 41/45. *Vide* communication dated 29.11.2024 issued by the Eligibility Determination Committee (EDC), the petitioner no.1 was declared ineligible for rehabilitation under the DUSIB Policy, 2015 on account of the fact that the “name of the applicant has been shown deleted in the voter list of 2024 and the name of spouse is not shown in the voter list of 2024. Further, the status of ration card has been shown as cancelled”.

4. Aggrieved by the said decision, petitioner no.1 (wife of petitioner no.2) filed an appeal 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 no.1 was found eligible for rehabilitation under the DUSIB Policy, 2015 on account of her producing the voter information slip of February, 2025 for herself and her husband Satvir as well as a photocopy of her husband’s driving license issued on 20.12.1999 and renewed on 18.08.2007. The operative portion of the order dated 08.04.2025 passed by the Appellate Authority, DUSIB reads as under

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The appellant Amsavalli w/o Satvir appeared before the Appellate Authority. The appeal was heard by the Appellate Authority. Appellant has produced voter information slip of Feb’ 2025 for herself Amsavalli and her husband Satvir. Appellant has also produced photocopy of driving license in the name of Satival and informed that the name Sativel and Satvir are of same and one ,with date of issue 20.12.1999 renewed on 18.08.2007 valid upto 19.12.2019 as one of the 12 prescribed documents as per the policy.

Hence the appeal is accepted, subject to verification of Driving License.

5. Thereafter, the said order dated 08.04.2025 passed by the Appellate Authority came to be placed before the CEO, DUSIB (respondent no.1) in



terms of Para 3(vi) of Part B of the DUSIB Policy, 2015. *Vide* impugned order dated 06.05.2025, the respondent no.1 proceeded to set aside the order dated 08.04.2025. The operative portion of the said order dated 06.05.2025 passed by the respondent no.1 reads as under –

4. The Appellate Authority vide its order dated 08.04.2025 allowed the appeal in the favour of appellant/claimant that:

- i) Appellant has produced voter information slip of Feb' 2025 for herself Amsavalli and her husband Satvir.
- ii) Appellant has also produced photocopy of driving license in the name of Satival and informed that the name Sativel and Satvir are of same and one with date of issue 20.12.1999 renewed on 18.08.2007 valid upto 19.12.2019 as one of the 12 prescribed documents as per the policy.

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) The driving license accepted by the Appellate Authority issued on 20.12.1999 and renewed on 2007 was valid upto 19.12.2019 which is in the name of Sh.Satival. "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" .

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 petitioners submits that apart from the aforesaid driving license which wrongly records the name of petitioner no.2 as 'Satival' instead of Satvir, the petitioners are also in possession of certain other documents such as (a) ration card dated 21.09.2005 issued in favour of the father of the petitioner no.2; (b) copy of electricity bill dated 20.10.2014 reflecting date of energisation as 01.02.2012; (c) Aadhar card(s) of the petitioner no.1 and petitioner no.2. which were not even considered by the Appellate Authority or the CEO, DUSIB while considering the case of the petitioner for eligibility under the DUSIB Policy 2015.



7. Issue notice.
8. Learned counsel, as aforesaid, accept notice on behalf of the respondents.
9. In the present case, the petitioners produced two documents before the Appellate Authority to establish eligibility under the DUSIB Policy, 2015 i.e. (a) voter information slip of February, 2025 and (b) a driving license issued in favour of the petitioner no.2 (husband of the petitioner no.1). It is noticed that it has been clarified before the Appellate Authority, DUSIB that the name of the petitioner no.2 on his driving license has been recorded as 'Satival' instead of 'Satvir' and that the same refers to petitioner no.2. The Appellate Authority in this regard records as under –

The appellant Amsavalli w/o Satvir appeared before the Appellate Authority. The appeal was heard by the Appellate Authority. Appellant has produced voter information slip of Feb' 2025 for herself Amsavalli and her husband Satvir. Appellant has also produced photocopy of driving license in the name of Satival and informed that the name Satival and Satvir are of same and one, with date of issue 20.12.1999 renewed on 18.08.2007 valid upto 19.12.2019 as one of the 12 prescribed documents as per the policy.

10. Consequently, the Appellate Authority proceeds to declare the petitioners eligible for rehabilitation under the DUSIB Policy, 2015 *inter alia* directing as under –

*“Hence, the appeal is accepted, subject to verification of driving license.”*

11. The CEO, DUSIB (respondent no.1) has proceeded to set aside the order dated 08.04.2025 passed by the Appellate Authority only on the basis that the petitioners did not satisfy the requirements under Paragraph 1(vi) of Part B of the DUSIB Policy, 2015<sup>1</sup> inasmuch as the driving license supplied

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<sup>1</sup> (vi) JJ dweller must possess any one of the 12 documents issued before 01-01-2015 as prescribed in the subsequent para;



by the petitioner no.1 was in the name of Sh. Satival. *Prima facie*, a perusal of the said driving license and other government issued photo ID of the petitioner no.2 such as Aadhar card [appended as Annexure P-23 to the present petition] corroborates the case of the petitioners that the driving license which reflects the name of the petitioner no.2 (Sh. Satvir) as Sh. ‘Satival’, is clearly a typographical error.

12. The relevant provisions of the policy [Paragraph 1 (vi) read with paragraph 2 of Part B of the DUSIB Policy, 2015<sup>2</sup>] only contemplate that a person claiming rehabilitation shall possess any of the 12 documents enlisted therein, issued prior to the cut-off date (i.e. 01.01.2015). The said requirement was evidently satisfied in the present case. Besides, the petitioners are in possession of other documents as well (as noted hereinabove) which were not taken note of by the Appellate Authority or by the CEO, DUSIB.

13. 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.

14. In the circumstances, the impugned order dated 06.05.2025 is set aside.

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<sup>2</sup> 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;
- (ii) Ration Card with photograph;
- (iii) electricity bill;
- (iv) Driving license;
- (v) Identity Card Card/Smart Card with photograph issued by State/Central Government and/or its Autonomous Bodies/Agencies like PSU/Local Bodies (except EPIC); .....



15. However, in view of the categorical submissions of the learned counsel for the petitioners that the petitioners are in possession of various documents (other than the concerned driving licence), rendering them eligible for rehabilitation under the DUSIB Policy, 2015, the matter is remanded to the Appellate Authority to consider all the documents (ration card, electricity bill, Aadhar Card), relied upon by the petitioners.

16. Let a fresh order be issued by the Appellate Authority within a period of two weeks from today.

17. In case the Appellate Authority 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 under DUSIB Policy, 2015.

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

**SACHIN DATTA, J**

**MAY 29, 2025/dn**