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

+ **W.P.(C) 1898/2008 & CM APPL. 5159/2020**

MASOOM FOUNDATION REGD. NGO

.....Petitioner

Through: Ms. Sujatha N. Shirolkar, Adv. along
with Petitioner.

versus

UOI & ORS.

.....Respondents

Through: Ms. Shiva Lakshmi, CGSC with Mr.
Govind Sharma, Mr. Madhav Bajaj,
Adv. & Mr. Devrat Yadav, GP for
UOI.

Ms. Harshita Maheshwari, Adv. for
Mr. Anuj Chaturvedi, Adv. for
DUSIB along with Ms. Kanika
Saxena, AD, Mr. Deepak Rawat, Mr.
Harish Kr. JE, Mr. Mayank, AE.

Ms. Sweety Singh, Adv. with Mr.
Lavkesh Behl, Sr. Asstt. (Social
Welfare Department) for Respondents
No.4 and 5/GNCTD.

Mr. Naveen Kashyap, Asstt. Section
Officer.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
18.03.2025

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1. The present petition has been filed with prayer for direction to the respondents to allot suitable alternative premises to the petitioner, instead of the allotted premises at MPCC Building, Tikri Khurd, New Delhi.



2. The petitioner organization, i.e., Masoom Foundation, is a registered NGO and is running a special school in the name and style of “Masoom”, *inter alia*, for imparting vocational training and education to mentally challenged children. As per the petition, the strength of the school, at the time of filing the petition, was eighty (80) students.

3. As per the petition, the premises in question, was allotted to the petitioner by the Municipal Corporation of Delhi (“MCD”) *vide* agreement dated 4th December, 2000, which has been placed before this Court. It is pointed out that no additions or alterations have been made by the petitioner to the said premises or the building appurtenant, except for the fact that the petitioner applied for additional rooms which were duly sanctioned by the MCD, *vide* letters dated 1st March, 2002, 7th October, 2002 & 27th January, 2006.

4. The present petition has been filed, since as per the petitioner, the said premises which is currently occupied by the petitioner in Tikri Khurd, is not feasible to be occupied, any further.

5. It is submitted that the building is also used by the villagers as a community hall and various social functions and marriages are conducted by the villagers in the said building. Further, the said villagers have categorically informed the petitioner that the said land belongs to them and that they have been using the said land for past number of years. Thus, the present writ petition was filed with a prayer for allotment of suitable alternate premises.

6. It is to be noted that *vide* order dated 7th March, 2025, this Court has recorded the submissions of the parties, in the following manner:



“1. Learned counsel for the Petitioner points out that in the affidavit filed on behalf of the Social Welfare Department pursuant to the meeting held on 18.12.2024, two alternatives have been proposed by DUSIB to the Petitioner, which is an NGO, i.e. Basti Vikas Kendra at Indira Basti and Basti Vikas Kendra at Sanjay Basti and while the Petitioner is agreeable to accept the second alternative, however, the building is in a dilapidated condition and not fit for habitation. In support of this, learned counsel hands over photographs, which the Court has perused and handed over to counsels for DUSIB and GNCTD.

2. Learned counsels for Respondents seek and are granted time to revert with instructions as to which out of the two Respondents, i.e. DUSIB or GNCTD will take the onus for renovating the building as also supplying water and electricity.

3. List on 18.03.2025 at 02:30 P.M.”

7. By reading of the aforesaid, it transpires that Delhi Urban Shelter Improvement Board (“DUSIB”), has offered two alternatives to the petitioner, out of which, the petitioner has agreed to shift to Basti Vikas Kendra at Sanjay Basti.

8. However, the said building is in a dilapidated condition and is not fit for habitation.

9. Today, learned counsel appearing for the DUSIB submits that the DUSIB shall carry out the requisite repair work in the said building. She further submits that the said repair work will take at least six months to be carried out.

10. Accordingly, she submits that after the requisite repair work, the building in question shall be handed over to the petitioner, by the Government of NCT of Delhi (“GNCTD”), through Social Welfare Department.

11. She further submits that DUSIB has already handed over the possession of building in question to the GNCTD. She, thus, submits that



after the repair work, it is for the Delhi Government, which will do the needful, for the purposes of handing over the possession to the petitioner.

12. *Per contra*, learned counsel appearing for the GNCTD, on instructions, submits that the said premises are yet to be handed over by the DUSIB to the GNCTD.

13. Learned counsel appearing for the GNCTD further submits that after the requisite repair work is carried out by the DUSIB, the Delhi Government through the Department of Social Welfare, shall hand over the premises in question to the petitioner.

14. Accordingly, the following directions are issued:

- (i) The DUSIB shall carry out the repair work in the building at Basti Vikas Kendra at Sanjay Basti, within a period of six months, i.e., by 30th September, 2025.
- (ii) Upon completion of the repair work in the aforesaid building, intimation shall be given by the DUSIB to the Social Welfare Department of Delhi Government, within a period of two weeks, thereafter, and the premises in question, shall be duly handed over to the Department of Social Welfare, GNCTD by DUSIB.
- (iii) The DUSIB shall also ensure that electricity and water connection are duly installed in the said building.
- (iv) Upon receipt of intimation by the Social Welfare Department of GNCTD, the said Department of GNCTD, shall take requisite steps to hand over the possession of the said premises to the petitioner, within a period of four weeks, of the intimation received from the DUSIB.
- (v) The DUSIB, as well as the Social Welfare Department of GNCTD, are bound by the undertaking given before this Court.



(vi) Till the new premises, i.e., Basti Vikas Kendra at Sanjay Basti, is handed over to the petitioner, the petitioner shall be entitled to continue from the current premises at Tikri Khurd.

15. With the aforesaid directions, the present writ petition, along with the pending application, accordingly, stands disposed of.

MINI PUSHKARNA, J

MARCH 18, 2025/GS