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

+ W.P.(C) 9120/2018& CM APPL. 35197/2018

ASHA COMMUNITY HEALTH AND
DEVELOPMENT SOCIETY

.....Petitioner

Through: Mr. Syed Jafar Alam, Mr. Akshay
Bhatia, Ms. Ankita Amarnath Kamath,
Advts. through VC.

versus

DELHI URBAN SHELTER
IMPROVEMENT BOARD AND ORS.

.....Respondents

Through: Mr. Anuj Chaturvedi and Ms. Shivani
Thakur, Advts. for DSUIB.
Mr. Sandeep Kumar Mahapatra, Ms.
Mrinmayee Sahu, Mr. Tribhuvan,
Advts. for R-3.
Mr. Rajesh Gogna CGSC with Ms.
Reena Rai and Mr. Shivam Tiwari,
Advts.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
18.08.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Articles 226 and 227 of the Constitution of India seeks the following prayers: -

“(a) Issue a writ, order or direction in the nature of mandamus and/or any other appropriate writ, order or direction to Respondent Nos. 1-3 and their officers, servants and/ or agents restraining them from interfering in the working of Petitioner's Kanak Durga Basti Vikas Kendra in any manner until such time as the Kanak Durga Slum is lawfully relocated and rehabilitated in accordance with law;



- (b) In the alternative to prayer (a) above, issue a writ, order or direction in the nature of mandamus and/or any other appropriate writ, order or direction to Respondent Nos. 1-2 to allocate an alternative premises to the Petitioner in the Kanak Durga Slum area until such time as the slum in the *basti* is relocated and rehabilitated in accordance with law;
- (c) Issue a writ, order or direction in the nature of mandamus and/or any other appropriate writ, order or direction, directing Respondent Nos. 1- 2 to allocate an alternative Basti Vikas Kendra to the Petitioner herein for operating a Basti Vikas Kendra for the benefit of the Kanak Durga slum dwellers, once they are lawfully relocated and rehabilitated;
- (d) Issue a writ, order or direction in the nature of mandamus and/or any other appropriate writ, order or direction, directing that during the pendency of the present Writ Petition, the Respondent No. 1-3 and their officers, servants and/ or agents shall not take any coercive steps against the Petitioner;
- (e) Pass ad-interim/ interim/ ex-parte order(s) in respect of the prayers (a) to (d) hereinabove; and
- (f) Pass any other further order(s)/ direction(s) as this Hon'ble Court may deem fit and proper in the fact and circumstances of the case.”

3. Learned counsel appearing on behalf of the respondent submits that *vide* judgment dated 28.04.2025 in LPA No. 495/2018, filed by a similarly situated NGO, following directions have been passed: -

“22. Insofar as giving of any alternate site is concerned, the same is purely within the domain of DUSIB and the L&DO. The Appellant Trust's NGO which was operating for the purposes of the Kanak Durga Basti, as a licensee, cannot claim any rights of alternate land over a particular land of its choosing. The circumstances that led to the allotment of alternate land to the M/s Ashutosh Davar Trust, are not before the Court. The Appellant cannot claim parity as a matter of right, especially when the initial terms of allotment are crystal clear that it is merely a licensee. The Appellant Trust may have rendered good services for the children in the Basti but the land is Government land and now stands allotted to the Rajya Sabha Secretariat. As per submissions made today, it is clear that the Secretariat is unable to utilise the land for its own



purposes, in view of the presence of the Appellant.

23. In the above background, it is directed that the Appellant Trust's case shall be considered by the DUSIB and L&DO for the purposes of allotment of some other premises in some Basti. The said decision shall also be taken within three months.

24. However, the alternate allotment, shall not hold up the handing over of the present premises to the authorities. Accordingly, considering that the Trust has been in possession for several years, as requested on behalf of the Appellant by Mr. Rao, it is directed that the Appellant Trust shall hand over the vacant and peaceful possession of the allotted land at Kanak Durga Basti, R.K. Puram, Delhi by 30th June, 2025. If the same is not handed over, post 30th June 2025, DUSIB / Rajya Sabha Secretariat, are free to take over the possession of the said land.

25. The appeal stands disposed of in above terms. Pending applications also stand disposed of.”

4. Learned counsel appearing on behalf of the petitioner does not dispute the aforesaid fact. It is also pointed out that in another petition filed at the instance of the present petitioner in W.P(C) 5282/2020, the learned Single Judge, *vide* order dated 04.07.2025, while disposing of the said petition had observed as under: -

“3. In view of the aforesaid, learned counsel for the petitioner states upon instructions that the petitioner undertakes to vacate the porta cabin within four weeks from today. He however submits that the petitioner's case be considered by the respondent No.1 for allotment on an alternate site. He submits that a comprehensive representation in this regard would be made by the petitioner to the respondent No.1.

4. Learned counsel for the respondent No.1 states upon instructions that in case such a representation is made, the same shall be considered on its own facts.

5. Accordingly, it is directed that in case any such representation is made by the petitioner to the respondent No.1 then the same be considered by the respondent No.1 in line with the observations of the Division Bench and decided within three months thereof with



opportunity to the petitioner of personal hearing.”

5. It is pointed out that the petitioner had already vacated the premises.
6. In terms of the aforesaid order in W.P(C) 5282/2020 passed on 04.07.2025, it is submitted that the petitioner has already made a representation which will be considered by respondent no. 1.
7. No further orders are called for.
8. The petition is disposed of accordingly.
9. Pending applications, if any, also stand disposed of.

AMIT SHARMA, J

AUGUST 18, 2025/kr