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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3892/2024, CM APPL. 16023/2024, CM APPL. 49292/2024
CHINTA DEVI & ORS.Petitioners

Through: Ms. Renu, Ms. Arthana Brahma, Mr.
Piyush Singh, Mr. Swagata, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Ms. Richa Dhawan (SPC), Mr. Anuj
Chaturvedi, Ms. Yashita Jain, Advs.
for UOI
Mr. Anuj Chaturvedi, Ms. Richa
Dhawan, Ms. Yashita Jain, Advs. for
DUSIB
Ms Avni Singh Panel Counsel for
GNCTD
Ms. Kritika Gupta for DDA
(appearance not given)

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **18.02.2026**

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:

“I. Pass an order declaring the Non-Inclusion of the names of the petitioners without any show cause in the final draw of lots, dated 29.02.2024 drawn by DDA to be illegal and arbitrary which is marked as ANNEXURE P-5

II. Pass an order for quashing & setting aside the Impugned draw of lots bearing No. ISRKBRML-29-02-2024 (100003 SRKBRML-1) dated 29.02.2024 at Annexure P-5 to the



extent that it does not include the names of the petitioners.

III. Pass an order directing the respondent No.1 to place on record its Policy based on which the rehabilitation of the Jhuggi Dwellers of Kali Bari is being sought to be done by DDA.

IV. Declare the removal of the names of the petitioners from the voter list of 2024 without any show cause and in violation of Rule 21 of the Registration of Electoral Rules, 1960 to be illegal and arbitrary.

V. Pass an order directing the respondent ECI/ CEO to place on record the precaution action taken by it before removal of the names of the petitioners from the Voter List.

VI. Pass an order directing respondent ECI/CEO to take immediate steps for inclusion of the names of the petitioners in voter list & further take steps to allow them to vote in general elections of 2024.

VII. Pass an order directing the respondent to rehabilitate the petitioners and allot them flats as sought to be allotted to other eligible slum Dwellers.

VIII. Pass an order directing DUSIB to return the money charged from the petitioners in lieu of rehabilitation...”

2. The brief facts of the case are that the petitioners were residents T-HUTS, Kali Bari Marg, Gole Market, New Delhi Central Delhi 110001. Additionally, Petitioner No. 3 is disabled person. The petitioners were deemed qualified for rehabilitation assistance according to the scheme established by the Delhi Government. Additionally, the petitioner No. 3 was



given a provisional eligibility letter by DUSIB i.e. the respondent No. 2. The respondent No. 2 also issued no objection certificate to the petitioner No. 1 for obtaining electricity connection in their name.

3. On 15.12.2015, the respondent No. 3 announced a new policy 'Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015 ("**2015 policy**") for rehabilitation and relocation of JJ Clusters which shifted the cut off date to 01.01.2015.

4. Since the petitioners were not rehabilitated in terms of the said policy, the present petition has been filed.

5. Ms. Renu, learned counsel, states that in view of the documents in favour of the petitioners, the petitioners were occupier of jhuggis in JJ Cluster and were entitled to rehabilitation. The claims of the petitioners are further fortified by the no objection certificates issued by respondent No. 2.

6. Ms. Gupta, learned counsel for the respondent No.1, states at the outset that it is the respondent No. 1 which is the land owning agency. Pursuant to the survey conducted, 104 jhuggis developers were found eligible and have been rehabilitated. She further states that the cluster has already been removed.

7. She draws my attention to the policy of respondent No. 2 i.e. the 2015 policy which has been adopted by the respondent No.1. The eligibility criteria as per the said policy reads as under:

"1. The eligibility criteria for allotment of alternative dwelling units to rehabilitate and relocate JJ dwellers would be as under:

(i) The JJ dweller must be a citizen of India and not less than 18 years of age;



(ii) The Jhuggi Jhopri basti in which the JJ dwellers are residing must be in existence prior to 01-01-2006. However, the cut off date of residing in the jhuggi for becoming eligible for rehabilitation shall be 01-01-2015 (this is in supersession of the earlier cut-off date of 04.06.2009 as notified in the guidelines of 2013);

(iii) The name of JJ 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;

(iv) The name of the JJ dweller must appear in the joint survey conducted by the DUSIB and the Land Owning Agency;

(v) The JJ dweller(s) will be subjected to bio-metric authentication by Aadhar Card or bio-metric identification by other mechanism;

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

(vii) Neither the JJ dweller nor any of his/her family member(s) should own any house/ plot/flat, in full or in part, in Delhi. The JJ dweller should not have been allotted any residential house or plot or flat on license fee basis or on lease-hold basis or on free-hold basis in the NCT of Delhi by any of the Departments or Agencies of GNCTD or Govt. of India, either in his/her own name or in the name of any



member of his family;

(viii) No dwelling unit shall be allotted if the jhuggi is used solely for commercial purpose;

(ix) In case, the jhuggi is being used for both residential and commercial purpose, the JJ dweller can be considered for allotment of one dwelling unit. In case, the ground floor of the jhuggi is being used for commercial purpose and other floors for residential purpose that will entitle the JJ dweller for one dwelling unit only;

(x) If a different family, having separate Ration card issued prior to 01-01-2015, which fulfils all the other eligibility criteria is living on upper floor, the same will also be considered for allotment of a separate dwelling unit. (This is in supersession of the earlier notified guidelines of 2013).

(xi) The ineligible JJ dwellers will be removed from the JJ Cluster at the time of its rehabilitation/ relocation/ clearance of JJ Basti.”

8. She further draws my attention to Clause No. 3 of the said 2015 policy which reads as under:

“3. Appellate Authority

(i) DUSIB will constitute an Appellate Authority for redressal of the grievances related to determination of eligibility for allotment of alternate dwelling unit for rehabilitation and relocation of JJ dwellers. The Appellate Authority will consist of the following:

(a) Retired Judge of the level of Additional District



Judge;

(b) Retired civil servant of the level of Joint Secretary to Govt. of India;

(c) An expert member to be nominated by the Chairperson of DUSIB;

(d) Dy. Director of DUSIB to be nominated by the CEO- as Convener

(ii) The terms & conditions of the Appellate Authority will be decided by the Board separately.

(iii) Any JJ dweller feeling aggrieved by any order passed by an officer/ committee, authorized to determine eligibility of the JJ dweller shall be entitled to file an appeal before the Appellate Authority within a period of 30 days from the date of communication of the impugned order.

(iv) The Appellate Authority may for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under clause (iii) above.

(v) The Appellate Authority may confirm, revoke or reverse the order appealed against and may pass such orders as deemed fit.

(vi) Order passed in appeal by the Appellate Authority, duly accepted by the CEO, DUSIB shall be final.”

9. She states that in accordance with Clause No. 1, the petitioners were called upon to show their names in the voter list for the year 2012, 2013, 2014, 2015 (prior to 01.01.2015). Since the petitioners were unable to produce the same, they were found ineligible for rehabilitation.



10. At this juncture, Ms. Renu, learned counsel, draws my attention to the electoral card of the petitioners.

11. However, the same is not a criteria in the said policy.

12. This Court under writ jurisdiction cannot adjudicate the disputed questions of fact for which detailed evidence is required. The fact whether the petitioners were genuine and bonafide occupiers of Jhuggi clusters located at T-Huts, near Block K, Kali Bari Marg, New Delhi and consequently were entitled to allotment would require evidence. The same is primarily because the names of the petitioners were not found in the electoral list for the year 2012-15. Additionally, the Appellate Authority has been duly constituted and the petitioners are at liberty to approach the Appellate Authority for the redressal of their grievances in accordance with law.

13. For the said reasons, the petition is disposed of, granting the liberty to the petitioners to approach the Appellate Authority if so advised.

14. This Court has not expressed any opinion on the merits/demerits of the claims of the petitioners except hereinabove.

JASMEET SINGH, J

FEBRUARY 18, 2026/DM