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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 609/2025, CM APPL. 61761/2025, CM APPL. 61762/2025, CM
APPL. 61764/2025 & CM APPL. 71552/2025
DELHI URBAN SHELTER IMPROVEMENT BOARD
DUSIB

.....Appellant

Through: Mr. Parvinder Chauhan, Senior
Advocate with Ms. Meenakshi,
Advocate.

versus

JANKI & ORS.

.....Respondents

Through: Ms. Rupali Samuel and Ms. Aditi
Soni, Advocates for R-1 and R-2.
Mr. Prabhsahay Kaur, Standing
Counsel with Mr. Aditya Verma and
Mr. Anmol Kaur, Advocates for
DDA.
Ms. Rachita Garg, Advocate for
GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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17.02.2026

1. Heard the learned Counsel for the Parties.
2. This Letters Patent Appeal seeks to assail the order dated 28.05.2025 (**"Impugned Order"**) passed by the learned Single Judge, whereby W.P.(C) No. 7351/2025 (**"Writ Petition"**) has been disposed of with a simple direction to the Eligibility Determination Committee (**"EDC"**) to determine the eligibility of Respondent Nos. 1 and 2 for rehabilitation under the Policy of Delhi Urban Shelter Improvement Board (**"DUSIB"**) for rehabilitation issued in the year 2015.



3. The learned Senior Counsel for the Appellant has stated that there is no difficulty before the EDC in undertaking the exercise of determining the eligibility of Respondent Nos. 1 and 2 under the DUSIB Policy, 2015. However, the DUSIB is bound by the order dated 20.12.2024 passed by Division Bench of this Court in W.P.(C) 8035/2024, where the Court has clearly observed that a last opportunity shall be given to the *Jhuggi* dwellers who did not appear before the DUSIB to determine their eligibility, by appearing before the Court, moving an application and making submissions which they wish to make within one week, failing which it shall be deemed that they have nothing to say in the matter.

4. It has been further argued by the learned Senior Counsel for the Appellant that had the Respondent Nos. 1 and 2 approached the Division Bench of this Court in W.P.(C) 8035/2024 and obtained suitable orders, the DUSIB would have no difficulty in considering their eligibility. However, since the order dated 20.12.2024 passed by the Division Bench in the aforesaid writ petition, clearly observes that in case the *Jhuggi* dwellers did not appear before the Court, it would be deemed that they have nothing to say, it would be difficult for the DUSIB to comply with the directions issued in the Impugned Order. He submits that if consideration for determining the eligibility for rehabilitation in respect of Respondent Nos. 1 and 2 is made by the EDC, the same shall run contrary to the directions contained in the order dated 20.12.2024 passed by the Division Bench in W.P.(C) 8035/2024.

5. Such apprehension expressed on behalf of the DUSIB, in our opinion, is unfounded. The learned Single Judge, while passing the Impugned Order, had not only noted the order dated 20.12.2024 passed by the Division Bench in W.P.(C) 8035/2024 but has also noticed the subsequent order dated



09.05.2025 passed in the same writ petition. The order dated 09.05.2025 passed by the Division Bench in the said writ petition provides that if any resident or *Jhuggi* dweller has missed out on the survey which was already held, a survey would be conducted, and such a resident can get his / her eligibility determined by the DUSIB accordingly.

6. Paragraph Nos. 11 and 12 of the Impugned Order passed by the learned Single Judge, containing the directions as passed by the Division Bench in the order dated 20.12.2024 and the subsequent order dated 09.05.2025 in W.P.(C) 8035/2024, are extracted hereinbelow:

“11. Learned counsel for the respondent no.1 submits that the petitioners’ right to seek assessment of their eligibility for rehabilitation under the DUSIB Policy, 2015 stands foreclosed inasmuch as they failed to approach this Court in terms of the directions contained in paragraph 5 of the order dated 20.12.2024 passed by a Division Bench of this Court in W.P.(C) 8035/2024 and connected matters, subsequent to not being able to participate in the survey conducted between 26.11.2024 to 02.12.2024. The directions contained in the order dated 20.12.2024 read as under –

“5. As per the above stated survey, overall 189 jhuggi dwellers have been found to be eligible and 182 jhuggi dwellers have been found to be ineligible. The list of eligible jhuggi dwellers has been annexed as Annexure 4 (Colly) with the affidavit. It is seen that some 34 jhuggi dwellers had not appeared before the DUSIB. Last opportunity shall be given to such jhuggi dwellers who did not appear before the DUSIB to determine their eligibility by appearing in Court by moving an application and make submissions which they wish to make within one week, failing which it shall be deemed that they have nothing to say in the matter.”

12. In rejoinder, learned counsel for the petitioners submits that in light of subsequent developments in the aforesaid petition i.e. W.P.(C) 8035/2024, an order dated 09.05.2025 has been passed by the Division Bench whereby, it has been, inter alia, directed as under –



“f) While the Authorities are present in the Madrasi Camp, if any residents or dwellers therein have missed out on the survey which was already held, a Survey would be conducted and such residents can get their eligibility determined by the DUSIB accordingly.””

7. Since, the learned Single Judge, while issuing the directions for consideration of the claims of Respondent Nos. 1 and 2 for rehabilitation under the DUSIB Policy, 2015, has noticed the subsequent order dated 09.05.2025 passed by the Division Bench in W.P.(C) 8035/2024, we do not find any difficulty on the part of the DUSIB to consider the eligibility as directed by the learned Single Judge. The apprehension expressed is, in fact, completely misplaced.

8. For the aforesaid reasons, the present Appeal is hereby dismissed. The pending Applications also stand disposed of.

9. We direct that the entire exercise of considering the eligibility of Respondent Nos. 1 and 2 for rehabilitation under the DUSIB Policy, 2015 shall be conducted and completed by the EDC of the DUSIB within a period of four weeks from today.

10. There will be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 17, 2026

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