



2026:DHC:2603



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

+ **W.P.(C) 3852/2026**

Date of Decision: **25.03.2026**

IN THE MATTER OF:

MOHD YASIN & ANR.

.....Petitioners

Through: Mr. Nadeem Qureshi, Ms. Renu Chaudhary and Ms. Puvali Singh, Advocates.

versus

DELHI URBAN SHELTER IMPROVMENT BOARD & ORS.

.....Respondents

Through: Mr. Anuj Chaturvedi, Ms. Richa Dhawan, Ms. Yashita Jain, Advocates for R-DUSIB.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

CM APPL. 18869/2026 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 3852/2026

1. The instant petition is for the following reliefs:-

"A. Issue a writ of Certiorari quashing the order dated 26.11.2025 passed by the Hon'ble Lieutenant Governor, Delhi in Appeal No. 315/2024;

B. Quash the eviction orders dated 17.05.2024 and 04.11.2024 passed under Sections 41 & 42 of the DUSIB Act, 2010;



C. Pass an order of status quo during the pendency of the present writ petition;

D. Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

2. The petitioners' case is that their father had purchased the subject property from one Bihari Lal in the year 1989. In the impugned order, it has been noted that the subject property was allotted to the said Bihari Lal on a license-basis and the same could not be transferred to a third-party. It appears that Bihari Lal had sold the licensed property to the father of the petitioners.

3. Paragraph no.12 of the Impugned Order would indicate that the plot was allotted for residential purpose on a license basis and the same was illegally transferred by the original allottee for a commercial purpose.

4. Paragraph no.13 of the said order would further indicate that the purported sale/ transfer of the licensed premises is in violation of the terms and conditions of the license granted to the original allottee.

5. This Court finds that there is no legal right created in favour of the petitioner, the violation of which, would allow the present writ petition to be preferred. On the basis of such a purported allotment/ sale by the original allottee in favour of the petitioners' father, the same would not create any vested indefeasibly right in favour of the petitioners as the licensed plot ought not to have been transferred/ sold to the petitioners' father, without permission from the concerned authority.

6. Paragraph nos. 12 and 13 of the impugned order are extracted as under:-

"12. It is observed that as per available records with the Respondent, the plot in question was allotted to Sh. Bihari Lal S/o Sh. Bedi Ram on license basis on 14.09.1965. This fact is undisputed by the Appellant. I



have considered that submissions made by both the sides and have also gone through the case files. As per terms and conditions, the same cannot be transferred by the allottee. The Appellants themselves admitted that legal heir of original allottee sold the said property to their father on some consideration. It is also on record that the said plot was allotted for residential purposes on license basis but, it has not only been illegally transferred by the allottee, but also it is being used for commercial purpose.

13. A license does not create any legal right in favour of the licensee to transfer the licensed premises to any third party. It is admitted position of the Appellant that the said premises have been purchased by the father of the Appellant. The said sale/transfer of the licensed premises is in violation of the terms and conditions of the license granted to the original allottee. The Appellants did not produce any document/ license issued by the Respondent/ DUSIB in their favour. Therefore, Appellants do not hold any right/ titles in the plot No. CPA--168, New Seelampur, Ddhi-110053 and therefore are illegally/unauthorizedly occupying the same. The Respondent has rightly invoked the provisions of section 41 & 42 of the DUSIB Act to evict this unauthorized occupation of the Government property. I found no infirmity in the impugned order passed by the: Pr. Director (DUSIB) dismissing the appeal of the Appellants. After considering all aspects of the matter and following due procedure, the Pr. Director (DUSIB) has passed a reasoned order. I, therefore, find no reason to interfere with it. The appeal is disposed off accordingly.”

7. In view of the aforesaid, the Court finds that there is no illegality or perversity committed by the authority concerned in passing the Impugned Order.

8. With respect to the submission made by the petitioners that even the encroachers are entitled for rehabilitation, learned counsel for the respondent-Delhi Urban Shelter and Improvement Board (**‘DUSIB’**) is correct in his contention that rehabilitation has to take place in accordance with the rehabilitation policy.

9. The petitioners are claiming right not on the basis of the encroachment, or as a Jhuggi dweller, but the petitioners assert their right on the basis of the purported sale document, which was executed in favour of



2026:DHC:2603



the petitioners' father by the original allottee.

10. In view thereof, there cannot be any direction issued in the instant petition for rehabilitation of the petitioners or for allotment of any alternate accommodation.

11. For all the aforesaid reasons, the instant petition is bereft of any merit, accordingly, the same stands dismissed.

PURUSHAINDR KUMAR KAURAV, J

MARCH 25, 2026

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