



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

% **Judgement reserved on: 14 May 2025**
Judgement pronounced on: 6 June 2025

+ **W.P.(C) 3350/2023 & CM APPL. 12989/2023**

SMT. SEEMA DAS

.....Petitioner

Through: Mr. Saurabh Kansal, Mr.
Suraj Kumar Jha, Mr.
Ritul Sharma and Ms.
Sakshi Tiwari, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

& ORS.

.....Respondents

Through: Ms. Chand Chopra, Ms.
Kritika Gupta, Ms. Neha
Bhupatiraju, Advs. for
DDA.

Mr. Ashish Batra, Sr.
Panel Counsel with Mr.
Devansh Khatter, Adv.
For UOI.

Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for DUSIB.

+ **W.P.(C) 6303/2023 & CM APPL. 40405/2023**

RANDHIR KUMAR KAUSHAL

.....Petitioner

Through: Mr. Vivek Kumar
Tandon, Ms. Perna
Tandon and Ms. Kanika
Rathore, Advs.

Versus

GOVERNMENT OF NCT OF DELHI

& ANR.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Kritika Gupta, Ms. Neha
Bhupatiraju, Advs. for
DDA.



Mr. Anuj Chaturvedi,
Ms. Harshita Maheswari
and Ms. Richa Dhawan,
Adv. for DUSIB.

+ W.P.(C) 6225/2023

ASHISH PATRA AND ORS.

.....Petitioners

Through: Mr. Vivek Kumar
Tandon, Ms. Perna
Tandon and Ms. Kanika
Rathore, Adv.

versus

GOVERNMENT OF NCT OF DELHI
& ANR.

.....Respondents

Through: Ms. Kritika Gupta and
Mr. Sanjay Katyal, Adv.
for DDA.
Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Adv.
for Respondent DUSIB.

+ W.P.(C) 7893/2023

ARUN KUMAR YADAV & ORS.

.....Petitioners

Through: Mr. Vivek Kumar
Tandon, Ms. Perna
Tandon and Ms. Kanika
Rathore, Adv.

versus

GOVERNMENT OF NCT OF DELHI
& ANR.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra and Ms.
Neha Bhupatiraju, Adv.
for DDA.
Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Adv.
for Respondent DUSIB.



- + W.P.(C) 7976/2023 & CM APPL. 30660/2023
SACHIN KUMARPetitioner
Through: Ms. Aaditi Gupta, Adv.
versus
DELHI DEVELOPMENT AUTHORITYRespondent
Through: Ms. Kritika Gupta, Ms. Chand Chopra and Ms. Neha Bhupatiraju, Advs. for DDA.
Mr. Rishi Kant Singh and Mr. Manoj Jadly, Advs. for Respondent DUSIB
- + W.P.(C) 8126/2023 & CM APPL. 31245/2023
SATISH KUMARPetitioner
Through: Ms. Aaditi Gupta, Adv.
versus
DELHI DEVELOPMENT AUTHORITYRespondent
Through: Ms. Kritika Gupta, Mr. Sanjay Katyal, Mr. Gaganmeet Singh Sachdeva, Advs. for DDA.
- + W.P.(C) 8433/2023
KUNDAN KUMAR SHAH & ORS.Petitioners
Through: Mr. Vivek Kumar Tandon, Ms. Perna Tandon and Ms. Kanika Rathore, Advs.
versus
GOVERNMENT OF NCT OF DELHI & ANR.Respondents
Through: Ms. Kritika Gupta, Mr. Sanjay Katyal, Mr. Gaganmeet Singh Sachdeva, Advs. for DDA.



Mr. Anuj Chaturvedi,
Ms. Harshita Maheswari
and Ms. Richa Dhawan,
Advs. for DUSIB.

+ W.P.(C) 8484/2023, CM APPL. 32321/2023, CM APPL.
32322/2023 & CM APPL. 50544/2023

RAJ VERMA AND ORS.

.....Petitioners

Through: Mr. Abhik Kumar and
Mr. Rinku Mathur, Advs.

versus

GOVERNMENT OF NCT OF DELHI
& ANR.

.....Respondents

Through: Ms. Kritika Gupta, Mr.
Sanjay Katyal, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.

Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for Respondent DUSIB.

+ W.P.(C) 8544/2023, CM APPL. 32512/2023 & CM APPL.
48774/2023

BRIJESH KUMAR AND ORS.

.....Petitioners

Through: Mr. Kaoliangpou Kamei
and Mr. Umesh Kumar,
Advs.

versus

DELHI DEVELOPMENT AUTHORITY
& ORS.

.....Respondents

Through: Ms. Kritika Gupta, Mr.
Sanjay Katyal, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.

Mr. Anuj Chaturvedi,
Ms. Harshita Maheswari



and Ms. Richa Dhawan,
Advs. for DUSIB.
Mr. Anubhav Gupta,
Panel Counsel (Civil)
GNCTD.

+ W.P.(C) 8545/2023, CM APPL. 32514/2023 & CM APPL.
32515/2023

SANJAY KUMAR AND ORS.

.....Petitioners

Through: Mr. Kaoliangpou Kamei
and Mr. Umesh Kumar,
Advs.

versus

**DELHI DEVELOPMENT AUTHORITY
& ORS.**

.....Respondents

Through: Ms. Kritika Gupta, Mr.
Sanjay Katyal, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for DUSIB.
Mr. Anubhav Gupta,
Panel Counsel (Civil)
GNCTD.

+ W.P.(C) 8546/2023 & CM APPL. 32516/2023

MOHIT KUMAR AND ORS.

.....Petitioners

Through: Mr. Kaoliangpou Kamei
and Mr. Umesh Kumar,
Advs.

versus

**DELHI DEVELOPMENT AUTHORITY
& ORS.**

.....Respondents

Through: Ms. Kritika Gupta, Mr.
Sanjay Katyal, Mr.
Gaganmeet Singh



Sachdeva, Advs. for
DDA.

Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for DUSIB.

Mr. Anubhav Gupta,
Panel Counsel (Civil)
GNCTD.

+ W.P.(C) 17056/2024 & CM APPL. 72326/2024

SHARMILA MANDAL & ANR.

.....Petitioners

Through: Mr. Vivek Kumar
Tandon, Ms. Perna
Tandon and Ms. Kanika
Rathore, Advs.

versus

DDA & ORS.

.....Respondents

Through: Ms. Kritika Gupta, Mr.
Sanjay Katyal, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.

Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for DUSIB.

Ms. Urvi Mohan, Adv.
for GNCTD.

+ W.P.(C) 8566/2023

SHRI NIRNAJAN KANDAR

.....Petitioner

Through: Mr. Nishant Kumar, Mr.
Sameer Aggarwal, Mr.
Harshit Hassanwalia and
Mr. Aakash Vats, Advs

versus

DDA & ORS.

.....Respondents

Through: Ms. Kritika Gupta, Mr.
Sanjay Katyal, Mr.



Gaganmeet Singh
Sachdeva, Advs. for
DDA.

Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for DUSIB.

Mr. Vikrant N. Goyal,
Ms. Uma Tarafdar, Mr.
Nishu Dagar and MR.
Sumit Goswami, Advs.
for UOI

+ W.P.(C) 8843/2023 & CM APPL. 33425/2023

BABITA

.....Petitioner

Through: Mr. Aayush Agarwala,
Adv. (DHCLSC) and Mr.
Aman Shekhar, Adv.

versus

DDA

.....Respondent

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.

+ W.P.(C) 8992/2023, CM APPL. 34090/2023, CM APPL.
34091/2023 & CM APPL. 50536/2023

MADAN KUMAR AND ORS.

.....Petitioners

Through: Mr. Abhik Kumar and
Mr. Rinku Mathur, Advs.

versus

GOVERNMENT OF NCT OF DELHI
& ANR.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha



Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
DUSIB.

- + W.P.(C) 9014/2023 & CM APPL. 34313/2023
SHEELAPetitioner
Through: None appeared for the
petitioner.
versus
DELHI DEVELOPMENT AUTHORITYRespondent
Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
- + W.P.(C) 9023/2023
RAJESHPetitioner
Through: Mr. Vivek Kumar
Tandon, Ms. Prerna
Tandon and Ms. Kanika
Rathore, Advs.
Versus
GOVERNMENT OF NCT OF DELHI
& ANR.Respondents
Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.



2025:DHC:4918



Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
DUSIB.

+ W.P.(C) 9040/2023
MUKESH KUMAR

.....Petitioner

Through: Mr. Vivek Kumar
Tandon, Ms. Perna
Tandon and Ms. Kanika
Rathore, Advs.

versus

GOVERNMENT OF NCT OF DELHI
& ANR.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
DUSIB.

+ W.P.(C) 9043/2023 & CM APPL. 34398/2023
MOHD DANISH

.....Petitioner

Through: Mr. Kaoliangpou Kamei
and Mr. Umesh Kumar,
Advs.

versus

DELHI DEVELOPMENT AUTHORITY
& ORS.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh



Sachdeva, Advs. for
DDA.

Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
DUSIB.

+ W.P.(C) 9077/2023 & CM APPL. 34559/2023

TULSI BISWAS

.....Petitioner

Through: Mr. Kaoliangpou Kamei
and Mr. Umesh Kumar,
Advs.

versus

DDA & ORS.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
DUSIB.

+ W.P.(C) 9870/2023 & CM APPL. 37957/2023

GANGA DEVI

.....Petitioner

Through: Mr. Aayush Agarwala,
Adv. (DHCLSC) and Mr.
Aman Shekhar, Adv.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh



2025:DHC:4918



Sachdeva, Advs. for
DDA.

+ W.P.(C) 9873/2023 & CM APPL. 37963/2023

JASWANT

.....Petitioner

Through: Mr. Aayush Agarwala,
Adv. (DHCLSC) and Mr.
Aman Shekhar, Adv.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.

+ W.P.(C) 9887/2023 & CM APPL. 38056/2023

POORAN WASI

.....Petitioner

Through: Mr. Aayush Agarwala,
Adv. (DHCLSC) and Mr.
Aman Shekhar, Adv.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.

+ W.P.(C) 10428/2023 & CM APPL. 40354/2023

SMT ASHA RANI

.....Petitioner

Through: Mr. Saurabh Kansal, Mr.
Suraj Kumar Jha, Mr.



Ritul Sharma and Ms.
Sakshi Tiwari, Advs.

versus

DDA & ANR.

Through:Respondents
Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
Mr. Raghwendra Tiwari,
CGSPC for UOI.

+ W.P.(C) 11370/2023 & CM APPL. 44247/2023

DARKSHA

Through:Petitioner
Mr. Aayush Agarwala,
Adv. (DHCLSC) and Mr.
Aman Shekhar, Adv.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.

+ W.P.(C) 11431/2023

PANCHAMI BIJOLI

Through:Petitioner
Mr. Gobind Malhotra,
Mr. Lovish Sharma, Mr.
Rakshit Pandey, Mr.
Rehan Saifi and Ms.
Gurpreet Singh, and Ms.
Namrata Malhotra, Advs.

versus



DDA & ORS.

.....Respondents

Through: Ms. Kritika Gupta, Ms. Chand Chopra, Mr. Sanjay Katyal, Ms. Neha Bhupatiraju, Mr. Gaganmeet Singh Sachdeva, Advs. for DDA.
Mr. Anubhav Gupta, Panel Counsel (Civil) GNCTD.

+ W.P.(C) 361/2024 & CM APPL. 1634/2024

SULAKHA PASWAN

.....Petitioner

Through: Mr. Rishi Nandy and Ms. Anupradha Singh, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondents

Through: Ms. Kritika Gupta, Ms. Chand Chopra, Mr. Sanjay Katyal, Ms. Neha Bhupatiraju, Mr. Gaganmeet Singh Sachdeva, Advs. for DDA.

+ W.P.(C) 1484/2024

**JITENDRA NATH DAS
(SENIOR CITIZEN)**

.....Petitioner

Through: Mr. Ishan Sanghi and Ms. Poorvashi Kalra, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Kritika Gupta, Ms. Chand Chopra, Mr. Sanjay Katyal, Ms. Neha Bhupatiraju, Mr. Gaganmeet Singh



2025:DHC:4918



Sachdeva, Advs. for
DDA.

+ W.P.(C) 2243/2024 & CM APPL. 9292/2024
SAPNA BARUA

.....Petitioner

Through: Mr. Raghvendra Mohan
Bajaj, Mr. Sajal Awasthi
and Mr. Kumar Karan,
Advs.

versus

DDA & ORS.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
Mr. Anuj Chaturvedi,
Ms. Harshita Maheswari
and Ms. Richa Dhawan,
Advs. for DUSIB.

+ W.P.(C) 4607/2024 & CM APPL. 18860/2024
GEETA DEVI AND ORS.

.....Petitioners

Through: Mr. Kaoliangpou Kamei
and Mr. Umesh Kumar,
Advs.

versus

DDA & ORS.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.



Mr. Kushagra Kansal,
SPC with Ms. Apoorva
Dixit, Adv. for Delhi
Police.

Mr. Tushar Sannu and
Mr. Aman Kumar, Adv.
for GNCTD.

+ W.P.(C) 5191/2024 & CM APPL. 21251/2024
BABLU MANDAL

.....Petitioner

Through: Mr. Aayush Agarwala,
Adv. (DHCLSC) and Mr.
Aman Shekhar, Adv.

versus

DDA & ORS.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Adv. for
DDA.

Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Adv.
for DUSIB.

+ W.P.(C) 11024/2024 & CM APPL. 45585/2024
KALICHAND

.....Petitioner

Through: Mr. Bhuvan Mishra, Mr.
Tanmay Mishra, Mr.
Yash Maheshawari and
Mr. Krishna Kanhaiya
Kumar, Adv.

versus

DDA & ANR.

.....Respondents

Through: Ms. Mrinalini Sen, SC,
DDA with Rima Rao,
Adv.



- + W.P.(C) 13968/2024 & CM APPL. 58449/2024
MANIK PAIK & ORS.Petitioners
Through: None appeared for the petitioner
versus
DELHI DEVELOPMENT AUTHORITYRespondent
Through: Ms. Kritika Gupta, Ms. Chand Chopra, Mr. Sanjay Katyal, Ms. Neha Bhupatiraju, Mr. Gaganmeet Singh Sachdeva, Advs. for DDA.
- + W.P.(C) 309/2025
GANGA DASPetitioner
Through: Mr. Rishi Nandy and Ms. Anupradha Singh, Advs.
versus
DELHI DEVELOPMENT AUTHORITYRespondent
Through: Ms. Kritika Gupta, Ms. Chand Chopra, Mr. Sanjay Katyal, Ms. Neha Bhupatiraju, Mr. Gaganmeet Singh Sachdeva, Advs. for DDA.
- + W.P.(C) 6290/2023
SANJEEV BHADRA & ANR.Petitioners
Through: Mr. Abhik Kumar and Mr. Rinku Mathur, Advs.
versus
GOVERNMENT OF NCT OF DELHI & ANR.Respondents



Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for DUSIB.

+ W.P.(C) 11951/2023 AND CM APPL. 46815/2023, CM APPL.
50526/2023

AJAY KUMAR & ORS.

.....Petitioners

Through: Mr. Abhik Kumar and
Mr. Rinku Mathur, Advs.

versus

DUSIB & ANR.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.

Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for DUSIB.

+ W.P.(C) 6360/2023 AND CM APPL. 24976/2023, CM APPL.
30196/2023, CM APPL. 30700/2023, CM APPL. 48723/2023,
CM APPL. 50537/2023

KAMLESH KUMAR AND ORS.

.....Petitioners

Through: Mr. Abhik Kumar and
Mr. Rinku Mathur, Advs.

versus

GOVERNMENT OF NCT OF DELHI
& ANR.

.....Respondents



Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for DUSIB.

+ W.P.(C) 8419/2023 AND CM APPL. 32087/2023, CM APPL.
50527/2023

IQBAL AHMED SIDDIQUI AND ORS.Petitioners

Through: Mr. Abhik Kumar and
Mr. Rinku Mathur, Advs.

versus

GOVERNMENT OF NCT OF DELHI
& ANR.

.....Respondents

Through: Ms. Kritika Gupta, Ms.
Chand Chopra, Mr.
Sanjay Katyal, Ms. Neha
Bhupatiraju, Mr.
Gaganmeet Singh
Sachdeva, Advs. for
DDA.
Mr. Rishi Kant Singh and
Mr. Manoj Jadly, Advs.
for DUSIB.

+ W.P.(C) 8524/2023 and CM APPL. 32450/2023, CM APPL.
71253/2024

PINTU PRAJAPATI & ORS.Petitioners

Through: Mr. Ashok Kumar, Adv.
for P4.

versus

GOVERNMENT OF NCT OF DELHI



& ANR.

.....Respondents

Through: Mr. Sanjay Katyal, SC
with Ms. Kritika Gupta,
Adv. for DDA.

[RESERVED ON 07.02.2025]

+ W.P.(C) 1854/2024

MAHENDER KUMAR

.....Petitioner

Through: Mr. Arkaneil Bhaumik,
Mr. Dushyant Kishan
Kaul, Mr. Adishwar Suri,
Mrs. Suprana Jain and
Ms. Rupam Jha, Avs.

versus

UNION OF INDIA THROUGH MINISTRY OF HOUSING
AND URBAN AFFAIRS & ORS.

.....Respondents

Through: Mr. Raj Kumar, CGSC
for UOI. Mr. Tushar
Sannu, SC with Mr.
Shivraj Singh Tomar &
Ms. Bandita, Advs. for
GNCTD.

[RESERVED ON 07.02.2025]

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

J U D G M E N T

1. This common judgment shall dispose of the aforementioned writ petitions, which have been filed by different groups of petitioners, in each case, either jointly or separately, invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, 1950. The petitioners herein seek common reliefs, including a direction towards DDA¹ to suspend any further demolition activity,

¹ Delhi Development Authority



maintain *status quo* at the site, and refrain from physically evicting the petitioners from their respective *jhuggi jhopri* clusters, The petitioners also seek a direction to DUSIB² to conduct a proper and comprehensive survey of the affected residents and rehabilitate them in accordance with the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015³.

2. The present batch of writ petitions raises common questions of law founded upon substantially similar factual matrix. It has been submitted at the Bar by the learned counsels appearing for the respective parties that the petitioners' cases fall broadly within the following categories: -

- (i) Matters wherein the Appellate Authority has rejected the appeals preferred by the concerned JJ dwellers on the ground that their names do not figure in any of the Voter Lists for the years 2012, 2013, 2014, or 2015 (prior to the cut-off date, i.e., 01.01.2015), and/or on the ground that the voter identity card furnished by the applicant has been found to be invalid⁴.
- (ii) Matters wherein the Appellate Authority has dismissed the appeals preferred by the concerned JJ dwellers on the ground that the petitioners failed to produce a separate and valid ration card issued in their individual names, in support of their claim for rehabilitation in respect of a jhuggi situated on the upper floor (i.e., the first floor)⁵.
- (iii) Matters wherein the Appellate Authority has dismissed the appeals preferred by the concerned JJ dwellers on the ground that the applicant's jhuggi was found to be situated on the upper floor, **specifically the second floor**,

² Delhi Urban Shelter Improvement Board

³ 2015 Policy

⁴ Violation of 1(iii) of the 2015 Policy

⁵ Violation of 1(x) of the 2015 Policy



which stands excluded from the scope of rehabilitation under the applicable policy guidelines.

- (iv) Matters wherein the Appellate Authority has dismissed the appeals preferred by the concerned JJ dwellers on the ground that the applicant's jhuggi **existed on Upper floor/2nd floor.**
- (v) Matters wherein the Appellate Authority has dismissed the appeals preferred by the concerned JJ dwellers on the ground that more than one claim was received in respect of the same jhuggi, thereby rendering the individual claims ineligible for consideration under the applicable policy framework.
- (vi) Matters wherein the Appellate Authority has dismissed the appeals preferred by the concerned JJ dwellers on the ground that the applicant failed to produce both a separate ration card pertaining to the first floor of the jhuggi and a valid voter identity card, as required under the prevailing policy norms.
- (vii) Matters wherein the appeals were allowed by the Appellate Authority, however, the Competent Authority of the DDA declared them ineligible.
Matter wherein the appeal of the petitioner was allowed by the Appellate Authority, but no alternative dwelling was allotted by the DDA.

3. It is also relevant to note that the aforementioned writ petitions have been instituted by multiple petitioners, wherein the cause of action espoused by each petitioner is distinct. At the outset, some of the writ petitions are a classic case of apparent misjoinder of parties involving multiple claims. However, for the sake of convenience, a tabulated categorisation is provided hereinbelow *qua* the separate categories delineated in Paragraph No. 2 of the present judgment: -

Table No. 1: - List of petitioners, who were residing on the upper floors



of the subject jhuggis and were declared ineligible for rehabilitation under the scheme framed by the DUSIB by the EDC, and have directly approached this Court without availing appellate.

<u>S. No.</u>	<u>W.P.(C) No.</u>	<u>Petitioner No. & Name</u>
1	W.P.(C) 6225/2023 [110 petitioners]	<p>Petitioner No. 24: - Suraj Biswas, Son of Subhas Biswas, Resident of B-684 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 20: - Amitava Das Son of, Bhaskar Chandra Das, Resident of C-443, Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
2	W.P.(C) 6360/2023 (48 petitioners)	<p>Petitioner No. 26: - Shane Alam, Son of Abdul Haneef, Resident of D-138 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 20: - Savina, Wife of Farukh Ahmed, Resident of C-71 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
3	W.P.(C) 8544/2023 (56 petitioners)	<p>Petitioner No. 53: - Amit Roy, Husband of Mahua Pore, Resident of C-76, Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 37: - Sunita Sarkar, Wife of Deepak Sarkar, Resident of B-357 Bhoomiheen Camp, Kalkaji, South Delhi-110019</p>

Table No. 2: - List of petitioners, petitioners who were declared ineligible with remarks “no separate ration card for the upper floor jhuggi”

<u>S. No.</u>	<u>W.P.(C)</u>	<u>Petitioner No. & Name</u>
1.	W.P.(C) 6225/2023 [110 Petitioners]	Petitioner No. 1: - Ashish Patra, Son of Vijay Patra, Resident of B-655 Bhoomiheen Camp, Kalkaji, South Delhi-110019.



	<p>Petitioner No. 3: - Ravi Kumar, Son of Kirpal, Resident of A-376 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 4: - Pawan Kumar Maurya, Son of Shyam Manohar, Resident of A-111 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 5: - Geeta Tiwari, Wife of Manoj Tiwari, Resident of A-115 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 6: - Babita, Wife of Prakash, Resident of A-115 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 7: - Prabhu Nath, Wife of Faguni Devi, Resident of C-186 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 8: - Sher Singh, Wife of Neelam, Resident of C-302 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 9: - Anuj Kumari, Wife of Mukesh Kumar, Resident of C-652 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 10: - Meena Roy, Wife of Arun, Resident of D-191 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 11: - Rajesh Kumar, Son of Ram Sanjeevan, Resident of A-127 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 12: - Panchmi, Wife of Susheel, Resident of A-351 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
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	<p>Petitioner No. 13: - Seema Das, Wife of Subash Das, Resident of A-351 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 15: - Rajoo Rajbhar, Son of Dhani Ram, Resident of B-670 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 16: - Prem Pal Singh, Son of Hari Singh, Resident of C-548 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 18: - Krishna Nand Jha, Son of Shyam Nand Jha, Resident of C-79 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 19: - Radhanand Jha, Son of Shyam Nand Jha, Resident of C-79 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 20: - Amitava Das, Son of Bhaskar Chndra Das, Resident of C-443 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 21: - Ranjeet Jha, Son of Ganga Narayan Jha, Resident of C-80 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 24: - Suraj Biswas, Son of Subhas Biswas, Resident of B-684 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 25: - Deepali Pramanik, Wife of Late Dinesh, Resident of B-677 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 26: - Lallan Kumar, Son of Chandrika Prasad, Resident of C-88</p>
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	<p>Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 27: - Saroj Kumar Goud, Son of Krashna Prasad Goud, Resident of C-189 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 28: - Samla Das, Wife of Hardhan, Resident of A-324 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 29: - Surya Bhan Gupta, Son of Jagdish, Resident of D-168 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 30: - Sarman, Wife of Khumman, Resident of A-363 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 31: - Jharna Yadav, Wife of Manoj Kumar Yadav, Resident of B-16 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 32: - Noor Jahan, Wife of Mohd Nasim, Resident of B-25 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 33: - Sanjay Prasad, Son of Late Kharak Singh, Resident of D-115 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 35: - Shambhu Dutta, Son of Parm Nand Dutta, Resident of A-342 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 36: - Ranjan, Son of Ram Dev Sayan, Resident of B-327 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 37: - Shiv Nath, Son of Raja</p>
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	<p>Ram, Resident of A-372 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 38: - Sheeraj Ahmad, Son of Nazir Ali, Resident of C-481 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 40: - Sazid Khan, Son of Yunus Khan, Resident of C-567 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 41: - Suman, Wife of Rohtash, Resident of D-198 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 42: - Dipankar, Son of Basudev Pramanik, Resident of B-677 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 43: - Reena Devi, Wife of Suresh Kumar, Resident of C-462 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 44: - Mukesh, Wife of Mamta Devi, Resident of C-462 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 45: - Shivani, Wife of Ram Lal Rai, Resident of A-340 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 46: - Aarti Devi, Wife of Sumesh Kumar, Resident of A-10 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 47: - Rahima, Wife of Wasim Akram, Resident of C-567 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 48: - Naveen, Son of Tej Ram, Resident of D-167 Bhoomiheen</p>
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	<p>Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 49: - Puneeta, Wife of Ram Dayal, Resident of C-130 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 50: - Rani, Daughter of Kunji Lal, Resident of A-309 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 51: - Kavita Devi, Wife of Kanhiya, Resident of B-518A Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 52: - Anil Kumar Singh, Son of Dinesh Kumar, Resident of A-172 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 55: - Pradeep Acharya, Son of Vishwanath Acharya, Resident of B-135 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 57: - Uttam, Son of Naren Haldar, Resident of B-178 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 59: - Rajesh Kanaujia, Son of Hari Ram Kanaujia, Resident of B-661 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 60: - Bharat, Son of Bhau Rav, Resident of C-294 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 61: - Sumitra Devi, Son of Ghanshyam, Resident of A-143 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 62: - Shabnoor Bano, Wife of Shekh Nasim, Resident of C-527 Bhoomiheen Camp, Kalkaji, South Delhi-</p>
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		<p>110019.</p> <p>Petitioner No. 63: - Saroj Kumari, Wife of Mahesh Kumar, Resident of C-495 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 64: - Yashwant Kumar, Son of Chandrika Prashand, Resident of C-88 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 65: - Urmila, Wife of Dharam Dass, Resident of A-306 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 66: - Anil Kumar, Son of Subedar, Resident of C-109 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 67: - Rajesh Sahu, Son of Bhagwan Das, Resident of A-364 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 68: - Hare Kishan, Son of Uday Ghosh, Resident of B-633 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 69: - Vijay, Son of Sugreev Sharma, Resident of D-123 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 70: - Hari Kishan, Son of Om Prakash, Resident of D-220 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 56: - Rinku Bijloli, Son of Sunder Bijloli, Resident of B-351 Bhoomiheen Camp, Kalkaji, South Delhi-110019</p>
2.	W.P.(C) 6303/2023 [40 petitioners]	Petitioner No. 1: - Randhir Kumar Kaushal, Son of Ram Chander Prasad Gupta,



	<p>Resident of C-306 Bhoomiheen Camp, Kalkaji, South Delhi- 110019.</p> <p>Petitioner No. 2: - Sumitra, Wife of Tribuvan Singh, Resident of A-120A Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 3: - Rakesh, Wife of Shailender Prasad, Resident of C-306 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 4: - Sheela Roy, Wife of Arvind Roy, Resident of A-205 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 5: - Nivedita Vishwas, Wife of Sanju Vishwas, Resident of A-45 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 6: - Kanehiya, Son of Rampal, Resident of D-225 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 7: - Raju, Son of Shyam Lal, Resident of D-165 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 8: - Poonam Devi, Wife of Avilak Singh, Resident of C-497 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 9: - Mamta, Wife of Dharmendra Kumar, Resident of B-673 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 10: - Shiv Charan, Son of Tej Ram, Resident of D-167 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 11: - Suman, Wife of Dal Chand, Resident of B-60 Bhoomiheen</p>
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		<p>Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 12: - Anita, Wife of Dhikam Pal, Resident of B-60 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 13: - Nand Lal, Son of Late Ram Chander, Resident of B-660 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 14: - Geeta, Wife of Raj Kumar, Resident of D-205 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 15: - Dinesh Das, Son of Khokan Das, Resident of C-135 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 16: - Priya Dass, Wife of Govind Das, Resident of B-631 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
3.	W.P.(C) 6290/2023 [2 petitioners]	<p>Petitioner No. 1: - Sanjeev Bhadra, Son of Sameeran Bhadra, Resident of C-248/B Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 2: - Sunil Kumar, Son of Bihari Lal, Resident of C-537, Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
4.	W.P.(C) 6360/2023 [48 petitioners]	<p>Petitioner No. 1: - Kamlesh, Son of Lt. Sh. Amarnath, Resident of C-619 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 6: - Kiran Devi, Resident of C-82 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 7: - Arun Kumar Das, Son of Ananga Mohan Das, Resident of C-368 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 28: - Pinki, Wife of Yogesh,</p>



	<p>Resident of C-577 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 10: - Satendra, Son of Bhagwan Prasad, Resident of D-52 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 11: - Shiv Kumar, Son of Sh. Jeevat Pandit, Resident of B-187 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 13: - Gautam Kumar, Son of Ramji, Resident of D-116 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 14: - Raj Kumar Pandit, Son of Jiyut Pandit, Resident of B-187 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 15: - Sakshi, Wife of Satish Kumar, Resident of D-116 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 16: - Renu Burman, Wife of Gauranga Burman, Resident of B-624 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 17: - Rakesh Burman, Wife of Lt. Sh. Ramu Burman, Resident of C-231 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 19: - Jahanara, Wife of Mashroor Husain, Resident of D-24 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 20: - Savina, Wife of Farukh Ahmed, Resident of C-71 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 22: - Ram Prasad, Son of</p>
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		<p>Pooran, Resident of B-225 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 25: - Sumitra Devi, Wife of Anabi Biswas, Resident of B-257 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 24: - Deepak Saxena, Son of Sunil Kumar, Resident of D-111, Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 27: Javed Akhtar, Son of Yunus, Resident of C-576 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 26: - Shane Alam, Son of Abdul Haneef, Resident of D-138 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 21: - Vijay Verma, Son of Ram Charan, Resident of D-96 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
5.	W.P.(C) 7893/2023 [5 petitioners]	<p>Petitioner No. 2: - Parmod Kumar Tiwari, Son of Ravinder Tiwari, Resident of A-98 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 3: - Sanjay Mahto, Son of Dalip Mahto, Resident of A-1 Bhomiheen Camp, Kalkaji, South Delhi- 110019.</p>
6.	W.P.(C) 7976/2023 [1 Petitioner]	<p>Petitioner No. 1: - Sachin Kumar, Son of Harbans Prasad, Resident of A-3 Bhomiheen Camp, Kalkaji, South Delhi-110019.</p>
7.	W.P.(C) 8126/2023 [1 petitioner]	<p>Petitioner No. 1: - Satish Kumar, Son of Harbans Prasad, Resident of A-1 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p>
8.	W.P.(C) 8419/2023 [15 petitioners]	<p>Petitioner No. 2: - Chandana, Ashok, Resident of D-28 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>



		<p>Petitioner No. 13: - Sanjeev Kumar, Son of Kuwar Pal, Resident of D- 202 Bhoomiheen Camp, Kalkaji, South Delhi- 110019.</p> <p>Petitioner No. 1: - Iqbal Ahmed Sidiqqi, Son of Mohd. Aslam, Resident of D- 5/A Bhoomiheen Cam, Kalkaji, South Delhi- 110019.</p> <p>Petitioner No. 14: - Amit Kumar, Son of Kumar Pal, Resident of D- 202, Bhoomiheen Camp, Kalkaji, South Delhi- 110019.</p> <p>Petitioner No .12: - Om Shiv Shrivastav, Son of Onkar Srivastav, Resident of D- 108, Bhoomiheen Camp, Kalkaji, South Delhi- 110019.</p> <p>Petitioner No. 4: - Imran Khan, Son of Imtiaz, Resident of D-200, Bhoomiheen Camp, Kalkaji, New Delhi - 110019.</p>
9.	W.P.(C) 8433/2023 [10 Petitioners]	<p>Petitioner No. 1: - Kundan Kumar Sah, Son of Nand Kumar Shah, Resident of C-480 of Bhoomiheen Camp, Kalkaji, South Delhi- 110019.</p> <p>Petitioner No. 2: - Sanju, Wife of Rajkumar, Resident of A- 142 Bhomiheen Camp, Kalkaji, New Delhi – 110019.</p> <p>Petitioner No. 8: - Ashok Kumar, Son of Ram Chander, Resident of A-86 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 10: - Sanju, Son of Sanjiv, Resident of A- 540 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 6: - Soniya Devi, Wife of Mahender, Resident of A- 85 Bhoomiheen Camp, Kalkaji, South Delhi- 110019</p>



10.	W.P.(C) 8484/2023 [29 Petitioners]	<p>Petitioner No. 3: - Rajender Kumar, Son of Bhola Ram, Resident of C-98 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 4: - Vinay Kumar, Son of Nagender, Resident of B-19, Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 8: - Mohd. Shakeel, Son of Shaukat Ali, Resident of B-512 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 9: - Yogesh Singh, Resident of A- 254 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 11: - Nitish Das, Resident of D- 65 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 14: - Raj Kumar, Son of Baij Nath, Resident of A- 137 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No 18 Shahnawaz, Son of Farukh Ahmed, Resident of C -71 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 22: - Bireswar Pahar, Son of Akshay Pahar, Resident of C-99, Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 25: - Sanjeev Kumar Verma, Son of Shiv Prasad Verma, Resident of D-147, Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 26: - Vasim, Son of Sattar Khan, Resident of C- 664 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 27: - Sunita, Wife of Sonu, Resident of D- 171 Bhoomiheen Camp,</p>
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2025:DHC:4918



		<p>Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 2: - Sonu, Son of Govind, Resident of C-206 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 24: - Mohd. Tabrej Alam, Son of Rafiq Mastar, Resident of C- 542 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
11.	W.P.(C) 8524/2023 [16 Petitioners]	<p>Petitioner No. 1: - Pintu Prajapti, Son of Ram Kumar, Resident of D-114 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 2: - Shubhanti Devi, Wife of Manoj Kumar Gupta, Resident of A-17G Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 3: - Pawan, Wife of Sohan Lal, Resident of B-64 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 11: - Sangeeta, Wife of Hari Kishan, Resident of A-380, Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 12: - Jay Prakash, Wife of Ram Dev, Resident of A-152 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 13: - Priti Kumari, Wife of Dhanjeet, Resident of B- 95/A Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 9: - Sunita Shah, Wife of Cheta Shah, Resident of B-95 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
12.	W.P.(C) 8544/2023 [56 Petitioners]	<p>Petitioner No. 1: - Brijesh Kumar, Son of Komal Singh, Resident of D-177 Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p> <p>Petitioner No. 15: - Savita Das, Resident of C-413 Bhoomiheen Camp, Kalkaji, South</p>



	<p>Delhi-110019.</p> <p>Petitioner No. 28: - Ranjan Das, Resident of C-153 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 14: - Anima Mandal, Resident of B-605 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 11: - Javitri, Resident of B-361, Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 30: - Sheeta Sharma, Wife of Deepak Sharma, Resident of B-337 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 5: - Sanjay Kumar, Son of Komal Singh, Resident of D-177 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 16: - Raj Kumar, Son of Gopi Ram, Resident of C-66 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 8: - Dhananjay, Son of Sanjeev Kumar, Resident of B-9 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 7: - Shyam Singh, Son of Ram Singh, Resident of D-171 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 50: - Arun Kumar, Resident of D-149 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 18: - Dilip Gupta, Son of Dinesh Gupta, Resident of C-417 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
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		<p>Petitioner No. 39: - Sanjay Das, Son of Ramesh Das, Resident of C-143 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 27: - Suchitra Biswas, Wife of Amal Biswas, Resident of B-339 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 23: - Subhankar, Son of Shishupal Halder, Resident of C-258 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 9: - Sheela Das, Wife of Parimal Das, Resident of B-170 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 25: - Varsha, Wife of Rajesh Kumar, Resident of B-285 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 26 : - Chandan Sharma, Son of Jagnarayan Sharma, Resident of B-337 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 47: - Aruna Mandal, Wife of Sanjay Mandal, Resident of C-119 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 10: - Ratan Barman, Son of Priyanath Barman, Resident of B-478 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 19: - Shivani Dev Nath, Wife of Bala Ram Dev, Resident of C-451 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
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		<p>Petitioner No. 2: - Deepankar Mallick, Son of Dilip Mallick, Resident of C-250 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 38: - Purnima Das, Wife of Akash Das, Resident of C-228 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 43: - Nikunj Burman, Son of (L) Gaur Burman, Resident of B-168 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 44: - Badal Mistry, Son of Vimal Mistry, Resident of C-155 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 24: - Satender Kumar, Son of Mandal Lal, Resident of A-82 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 22: - Rajesh Kumar, Son of Ram Bahadur, Resident of A-141 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
13.	W.P.(C) 8566/2023 [1 petitioner]	Petitioner: - Niranjan Kandar, Son of Gurpad Kandar, Resident of B-269, Bhoomiheen Camp, South Delhi-110019.
14.	W.P.(C) 8992/2023 [18 petitioners]	<p>Petitioner No. 8: - Sher Singh, Son of Paras Nath Singh, Resident of C-202, Bhoomiheen Camp, South Delhi-110019.</p> <p>Petitioner No. 14: - Pintoo Das, Son of Sapan Das, Resident of C-420, Bhoomiheen Camp, South Delhi-110019.</p> <p>Petitioner No. 18: - Ram Iqbal Paswan, Son of Ram Sevak Paswan, Resident of B-80, Bhoomiheen Camp, South Delhi-110019.</p>
15.	W.P.(C) 9023/2023 [1 petitioner]	Petitioner: - Rajesh, Son of Ram Prasad, Resident of A-2B, Bhoomiheen Camp, South Delhi-110019.
16.	W.P.(C) 361/2024	Petitioner: - Sulakha Paswan, Wife of



	[1 petitioner]	Ramnarayan Paswan. Resident of A-62, Bhoomiheen Camp, South Delhi-110019.
17.	W.P.(C) 17506/2024 [2 petitioner]	Petitioner No. 1: - Sharmila Mandal, Wife of Sandip Mandal, Resident of B-1011, First Floor, Bhoomiheen Camp, South Delhi-110019. Petitioner No. 2: - Sandip Mandal, Son of Shakti Pada Mandal, Resident of B-1011, First Floor, Bhoomiheen Camp, South Delhi-110019.

Table No. 3: - List of petitioners, petitioners who were declared ineligible on account of residing on the 2nd floor of the jhuggi.

<u>S. No.</u>	<u>W.P.(C) No.</u>	<u>Petitioner No. & Name</u>
1	W.P.(C) 6225/2023 [110 petitioners]	Petitioner No. 107: - Basanti Patra, Wife of Shanker Patra, Resident of C-163 Bhoomiheen Camp, Kalkaji, South Delhi-110019. Petitioner No. 99: - Kavita Devi, Wife of Late Dinesh, Resident of D-168B Bhoomiheen Camp Kalkaji, South Delhi-110019.
2	W.P.(C) 6360/2023 [48 petitioners]	Petitioner No. 34: -Mamta, Wife of Vishvnath Bala, Resident of B-127 Bhoomiheen Camp, Kalkaji, South Delhi-110019.
3	W.P.(C) 8524/2023 [16 petitioners]	Petitioner No. 16: - Kiran Chakraborty, Wife of Bishwajit, Resident of B-624 Bhoomiheen Camp, Kalkaji, South Delhi-110019.
4	W.P.(C) 11951/2023 [17 petitioners]	Petitioner No. 6: - Savita, Wife of Sanjeet Kumar Tiwari, Resident of A-115 Bhoomiheen Camp, Kalkaji, South Delhi-110019.

Table No. 4: - List of petitioners who were declared ineligible due to absence of Voter List Entry Prior to 01.01.2015 and Non-Availability of Separate Ration Card for Upper Floor Eligibility

<u>S. No.</u>	<u>W.P.(C)</u>	<u>Petitioner No. & Name</u>
1.	W.P. (C) 6225/2023 [110 petitioners]	Petitioner No. 34: - Dayal Paik, Son of Kali Pado Paik, Resident of B-655/A Bhoomiheen Camp, Kalkaji, South Delhi-110019.



	<p>Petitioner No. 96: - Jyoti, Wife of Kamal Kumar, Resident of B-547/A Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 92: - Vishal Saha, Son of Biggan Saha, Resident of C-117 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 97: - Rahul Patra, Son of Sapan Patra, Resident of B-218/A Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 98: - Mona Majumdar, Wife of Krishna Majumdar, Resident of A-234 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 88: - Nileema Dutta, Wife of Shubhankar Samantha, Resident of R/o A-343 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 93: - Supriya Das, Wife of Ashutosh Das, Resident of B-164 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 94: - Sunil Kumar, Son of Dinesh Kumar, Resident of A-172 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 91: - Ruby Devi, Wife of Manoj Kumar Singh, Resident of A-172 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 89: - Raju Mistry, Son of Nitya Mistry, Resident of B-433 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 90: - Govind Mistry, Son of Nitya Mistry, Resident of B-433 Bhoomiheen</p>
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		<p>Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 95: - Geeta Burman, Wife of Falian Burman, Resident of B-168 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
2.	6303/2023 [40 petitioners]	<p>Petitioner No. 17: - Subroto Patra, Son of Ajay Patra, Resident of B-697 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 23: - Meenakshi Kumari, Wife of Dev Anand, Resident of D-192 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 18: - Annu Das, Wife of Vijay Das, Resident of C-150 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 24: - Abhishek Tiwari, Son of Ravinder Tiwari, Resident of A-98 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 21: - Priya Saha, Wife of Samir Saha, Resident of C-18/A Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 20: - Chanda Devi, Wife of Late Sunil Kumar, Resident of C-470 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 19: - Bony Patra, Wife of Keshav Patra, Resident of A-391 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
3.	6360/2023 [48 petitioners]	<p>Petitioner No. 4: - Shibani Ari, Wife of Gora Chand Ari, Resident of C-375 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No 9: - Satyavati, Wife of Pradeep Namdev, Resident of Jhuggi No. D-105, Bhoomiheen Camp, South Delhi – 110019.</p>



4.	8484/2023 [29 petitioners]	<p>Petitioner No. 10: - Suman, Wife of Mohd. Anis, Resident of R-37 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 15: - Amit, Son of Sushil Kumar, Resident of D-111A Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
5.	11951/2023 [17 petitioners]	<p>Petitioner No. 7: - Uma Shah, Wife of Sh. Govind Shah, Resident of B-36 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 11: - Ratna Mandal, Wife of Sh. Anand Mandai, Resident of C-98 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 2: - Ankit, Son of Sh. Pradeep Kumar, Resident of D-103 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
6.	8544/2023 [56 petitioners]	<p>Petitioner No 32: - Pooja, Wife of Uttam Roy, Resident of Jhuggi No. B-350, Bhoomiheen Camp, South Delhi – 110019.</p> <p>Petitioner No. 13: - Vimal Kasyap, Son of Sopali Singh, Resident of Jhuggi No. A-240, Bhoomiheen Camp, South Delhi-110019.</p> <p>Petitioner No. 18:- Raj Kumar, Son of Sanjeev Kumar, Resident of Jhuggi No. B-9, Bhoomiheen Camp, South Delhi-110019.</p>
7.	8545/2023 (17 petitioners)	<p>Petitioner No. 9: - Khemkant, Husband of Indu Kumari, Resident of B-198 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 13: - Bornali Karan, Wife of Upananda Karan, Resident of A-39FF Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
8.	7893/2023 (5 petitioners)	<p>Petitioner No. 1: - Arun Kumar Yadav, Son of Jageshwar Yadav, Resident of C-558 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
9.	8524/2023 (16 petitioners)	<p>Petitioner No. 15: - Arun Kumar Yadav, Son of Jogeshwar Yadav, Resident of C-558</p>



		<p>Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No 8 Mamta Yadav, Wife of Dharmender, Resident of A-177, Bhoomiheen Camp, Kalkaji, South Delhi - 110019.</p> <p>Petitioner No. 14: - Dolly, Wife of Akash, Resident of C-320 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
10.	8546/2023 (8 petitioners)	<p>Petitioner No. 1: - Mohit Kumar, Son of Raj Babu, Resident of C-374, Bhoomiheen Camp, South Delhi-110019.</p> <p>Petitioner No. 2: - Debmoy Banik, Son of Tapman Banik, Resident of C-222, Bhoomiheen Camp, South Delhi-110019.</p> <p>Petitioner No. 3: - Subroto Mandal, Husband of Sonali Mandal, Resident of C-274, Bhoomiheen Camp, South Delhi-110019.</p> <p>Petitioner No. 4: - Savitri, Wife of Ramanand, Resident of B-334, Bhoomiheen Camp, South Delhi-110019.</p> <p>Petitioner No. 5: - Rihana, Wife of Ramza, Resident of Resident of B-22, Bhoomiheen Camp, South Delhi-110019.</p> <p>Resident No. 6: - Sheela, Wife of Chavvi Lal, Resident of A-181, Bhoomiheen Camp, South Delhi-110019.</p> <p>Petitioner No. 7: - Babita Wife of Dukhi Dev Nath, Resident of C-442, Bhoomiheen Camp, South Delhi-110019.</p> <p>Petitioner No. 8: - Anokhi Devi, Wife of Rakesh, Resident of D-110-F/F Bhoomiheen Camp, Kalkaji, South Delhi – 110019.</p>
11.	W.P.(C) 8843/2023 [1 petitioner]	<p>Petitioner: - Babita Wife of Dukhi Dev Nath, Resident of Jhuggi No. C-442, Bhoomiheen Camp, South Delhi-110019.</p>



12.	W.P.(C) 8992/2023 [18 petitioners]	Petitioner No. 9: - Astomi Bahadur, Wife of Tek Chand, Resident of Jhuggi No. A-229, Bhoomiheen Camp, South Delhi-110019. Petitioner No. 11: - Sundari Devi, Wife of Abhimanyu Sharma, Resident of Jhuggi No. B-679, Bhoomiheen Camp, South Delhi-110019.
13.	W.P.(C) 2243/2024 [1 petitioner]	Petitioner: - Sapna Barua, Wife of P.K. Barua, Resident of B-333/A, Bhoomiheen Camp, South Delhi-110019.
14.	W.P.(C) 5191/2024 [1 petitioner]	Petitioner: - Bablu Mandal, Son of Anil Kumar, Resident of B-122, Bhoomiheen Camp, South Delhi-110019.
15.	W.P.(C) 11431/2023 [1 petitioner]	Petitioner: - Panchami Bijoli, Wife of Late Vijay Bijoli, Resident of B-618, Bhoomiheen Camp, South Delhi-110019.
16.	W.P.(C) 309/2025 [1 petitioner]	Petitioner: - Ganga Das, Wife of Sujit Das, Resident of C-391, Bhoomiheen Camp, South Delhi-110019.

Table No. 5: - List of petitioners wherein their appeals were allowed by the appellate authority but subsequently rejected by the DDA.

<u>S. No.</u>	<u>W.P.(C) No.</u>	<u>Petitioner No. & Name</u>
1	6225/2023 [110 petitioners]	Petitioner No. 105: - Savitri, Wife of Nathu Rana, Resident of D-220 Bhoomiheen Camp, Kalkaji, South Delhi-110019.
		Petitioner No. 101: - Rinku Bhakt, Wife of Prem Bhakt, Resident of B-473 Bhoomiheen Camp, Kalkaji, South Delhi-110019.
		Petitioner No. 82: - Sunita, Wife of Anil Kumar, Resident of B-652 Bhoomiheen Camp, Kalkaji, South Delhi-110019.
		Petitioner No. 79: - Kali Pada Paik, Wife of Haldar Paik, Resident of B-655/A Bhoomiheen Camp, Kalkaji, South Delhi-110019.
		Petitioner No. 75: - Sanjay, Son of Hari Singh, Resident of B-580 Bhoomiheen Camp, Kalkaji, South Delhi-110019.



		<p>Petitioner No. 83: - Razo, Wife of Vijay Pal, Resident of D-120 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 51: - Kavita Devi, Wife of Kanhiya, Resident of B-518A Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 43: - Reena Devi, Wife of Suresh Kumar, Resident of C-462 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 55: - Pradeep Acharya, Son of Vishwanath Acharya, Resident of B-135 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 106: - Pramila, Wife of Lal Bihari, Resident of C-110 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
2	6360/2023 [48 petitioners]	<p>Petitioner No. 5: - Ms. Ganga Devi, Resident of B-607 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 18: - Kishori Lal, Son of Jai Narayan, Resident of B-698 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 21: - Vijay Verma, Son of Ram Charan, Resident of D-96 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p> <p>Petitioner No. 24: - Deepak Saxena, Son of Sunil Kumar, Resident of D-111 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
3	8433/2023 [10 petitioners]	<p>Petitioner No. 7: - Arun Kumar Dass, Son of Ananga Mohan Das, Resident of C-368, Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
4	9870/2023 [1 petitioner]	<p>Petitioner No. 1: - Ganga Devi, Wife of Sh. Satya Narayan, Resident of B-607 Bhoomiheen Camp, Kalkaji, South Delhi-110019.</p>
5	9873/2023 [1 petitioner]	<p>Petitioner No. 1: - Jaswant, Son of Shri Jagdish, Resident of D-168/A Bhoomiheen Camp, Kalkaji,</p>



		South Delhi-110019.
6	9887/2023 [1 petitioner]	Petitioner No. 1: - Pooran Wasi, Son of Shri Sinaki, Resident of B-505 Bhoomiheen Camp, Kalkaji, South Delhi-110019.
7	11370/2023 [1 petitioner]	Petitioner No. 1: - Darksha, Wife of Zulpukar Ali, Resident of D-18 Bhoomiheen Camp, Kalkaji, South Delhi-110019.
8	11024/2023 [1 petitioner]	Petitioner: - Kalichand, Son of Babu Ram, Resident of Jhuggi No. B-600, Bhoomiheen Camp, South Delhi – 11019.
9.	1484/2024 [1 petitioner]	Petitioner: - Jitendra Nath Das, Resident of B-316 a, Bhoomiheen Camp, South Delhi-110019.
10.	13968/2024 [5 petitioners] The petitioners in this writ are siblings and children of Late Sh. Kalipad Paik	<p>Petitioner No. 1: - Manik Paik, Son of Late Sh. Kalipad Paik, Resident of Jhuggi No. B-655/A, Bhoomiheen Camp, South Delhi – 110019.</p> <p>Petitioner No. 2: - Brijendronath Paik, Son of Late Sh. Kalipad Paik, Resident of Jhuggi No. 224, Second Floor Bhoomiheen Camp, South Delhi – 110019.</p> <p>Petitioner No. 3: - Kalyan Paik, Son of Late Sh. Kalipad Paik, Resident of Jhuggi No. D-620, Bhoomiheen Camp, South Delhi – 110019.</p> <p>Petitioner No. 4: - Shankar Paik, Son of Late Sh. Kalipad Paik, Resident of Jhuggi No. B-655/A, Bhoomiheen Camp, South Delhi – 110019.</p> <p>Petitioner No. 5: - Dayal Paik, Son of Late Sh. Kalipad Paik, Resident of Jhuggi No. B-655/A, Bhoomiheen Camp, South Delhi – 110019.</p>

Table No. 6: - Matters wherein two allotments are not permissible against one jhuggi and one allotment has already been made against the claimed structure.

<u>S. No.</u>	<u>W.P.(C)</u>	<u>Petitioner Name & No.</u>
1.	3350/2023 [1 petitioner]	Petitioner: - Seema Das, Wife of Sujit Das, Resident of Jhuggi No. B-489, Bhoomiheen Camo, Kalkaji, South Delhi – 110019.



2.	6360/2023 [48 petitioners]	Petitioner No. 2: - Arti Halder, Wife of Vijay Halder, Resident of Jhuggi No. D-48, Bhoomiheen Camp, Kalkaji, South Delhi-110019. Petitioner No. 48:- Raju Singh, Son of Lal Singh, Resident of Jhuggi No. B-592, Bhoomiheen Camp, Kalkaji, South Delhi-110019.
3.	9077/2023 [1 petitioner]	Petitioner: - Tulsi Biswas, Wife of Biren Biswas, Resident of Jhuggi No. A-325/1, Bhoomiheen Camp, Kalkaji, South Delhi-110019.
4.	8433/2023 [10 petitioners]	Petitioner No. 4: - Satish Kumar, Son of Ganesh Prasad, Resident of Jhuggi No. B-87/2, Bhoomiheen Camp, Kalkaji, South Delhi-110019.
5.	10428/2023 [1 petitioner]	Petitioner: - Ashra Rani, Wife of Sasodhar, Resident of B-375/A, Bhoomiheen Camp, South Delhi-110019.

BACKGROUND

4. The common thread in these batch petitions is that the petitioners, along with their respective family members, are stated to be in continuous possession and occupation of their respective *jhuggi-jhopris* situated at a location commonly known as *Bhoomiheen Camp*, Govind Puri, Kalkaji, South Delhi – 110019, which is averred to be in existence since the early 1990s. The petitioners claim to be migrants from various States, including Uttar Pradesh, Bihar, and West Bengal, and are stated to be engaged in occupations such as factory labour, work at local shops, domestic help, and other forms of menial employment.

5. The grievance of the petitioners is that the proposed demolition of their *jhuggi-jhopris* by the DDA is arbitrary, illegal, and in contravention of the provisions of the ‘**2015 Policy**’. It is contended



that the said Policy contemplates *in-situ* rehabilitation of eligible *jhuggi* dwellers and lays down a comprehensive framework prescribing the procedure and criteria for determining such eligibility. The petitioners further assert that the 2015 Policy is a welfare-oriented measure framed with the objective of securing socio-economic justice for persons belonging to the Economically Weaker Sections⁶ of society, and seeks to ensure their rehabilitation through the provision of alternative housing by the State in a structured and equitable manner.

6. The petitioners further contend that the DUSIB has been designated as the nodal agency for the implementation of the 2015 Policy, which unequivocally provides that JJ⁷ bastis/camps that came into existence prior to 01.01.2006 shall not be subjected to demolition without the provision of alternative housing. It is further submitted that, in order to qualify for rehabilitation under the said Policy, the cut-off date for residence in the concerned *jhuggi* is stipulated as 01.01.2015.

7. Reference is drawn to Part B of the 2015 Policy, which prescribes that a JJ dweller is required to furnish any one of twelve specified documents, issued prior to the cut-off date of 01.01.2015, as proof of eligibility. These documents include:

- (i) Passport;
- (ii) Ration Card with photograph;
- (iii) Electricity bill;
- (iv) Driving license;
- (v) Identity Card/Smart Card with photograph issued by a

⁶ EWS

⁷ Jhuggi Jhopri



- State/Central Government department or its autonomous bodies/agencies, such as PSUs or local bodies (excluding Electoral Photo Identity Card);
- (vi) Passbook with photograph issued by a public sector bank or post office;
 - (vii) SC/ST/OBC certificate issued by the competent authority;
 - (viii) Pension documents with photograph, such as Ex-Serviceman's Pension Book, Pension Payment Order, Ex-Serviceman widow/dependent certificate, old-age pension order, or widow pension order;
 - (ix) Freedom Fighter Identity Card with photograph;
 - (x) Certificate of physical disability with photograph issued by the competent authority;
 - (xi) Smart Card with photograph issued under a Health Insurance Scheme of the Ministry of Labour; and
 - (xii) Identity card or certificate with photograph issued by a Government school Principal certifying that the descendant of the JJ dweller is or was a student of the said school.

8. It is further submitted that Part B of the 2015 Policy lays down additional eligibility criteria, *inter alia*, requiring that:

- (i) the name of the JJ dweller must appear in at least one of the electoral rolls of the years 2012, 2013, 2014, or 2015, as well as in the electoral roll of the year in which the survey was conducted;
- (ii) the name of the JJ dweller must find mention in the Joint Survey carried out by DUSIB and the concerned Land-Ownning Agency⁸; and
- (iii) the JJ dweller must possess any one of the twelve prescribed documents issued prior to the cut-off date of 01.01.2015,

⁸ LOA



among which the Ration Card with photograph and Electricity Bill are of particular evidentiary value.

- (iv) The Policy also contemplates that, in cases where a distinct family residing on the upper floor of a *jhuggi* possesses a separate ration card issued prior to 01.01.2015, such family shall also be considered eligible for allotment of an independent dwelling unit.

9. It is further alleged that the DDA, by initiating steps for demolition of the JJ clusters and proceeding with physical eviction without affording due process or considering the petitioners' documentary evidence, is violating their constitutionally protected right to shelter. Such action is stated to be contrary to Article 19(1)(g), read with Article 21 of the Constitution of India, 1950, thereby compelling the petitioners to seek redress before this Court.

PART A
MATTERS PERTAINING TO THE AMBIT OF UPPER FLOOR
JHUGGI.

10. It is an admitted position at the Bar, as fairly conceded by learned counsel appearing on behalf of the respective petitioners, that the matters under consideration fall within a specific category comprising the following sub-classes:

- (i) The petitioners, who were residing on the upper floors of the subject jhuggis and were declared ineligible for rehabilitation by the EDC under the 2015 Policy, have directly approached this Court without exhausting the remedy of appeal before the Appellate Authority. [*Reference to be drawn to the Table No. 1*]
- ii) The petitioners similarly situated, i.e., those residing on the



upper floors, whose claims for rehabilitation were rejected both by the EDC and the Appellate Authority on the specific ground that they failed to produce a valid and separate ration card in their individual names for the upper floor, as mandated by the 2015 Policy; and [*Reference to be drawn to the Table No. 2*]

(iii) The petitioners who were found to be residing on the second floor of their respective jhuggis, and who were consequently held ineligible for rehabilitation by both the EDC and the Appellate Authority solely on that ground, in view of the express exclusion of second-floor dwellings from the ambit of rehabilitation under the extant policy framework. [*Reference to be drawn to the Table No. 3*]

11. Whilst deciding the matters falling under **Part A**, W.P.(C) 6225/2023 shall be considered as the lead matter, as the other connected writ petitions emanate from the same facts pertaining to the *upper floor jhuggis*.

STAND OF DUSIB

12. In its counter affidavit dated 06.06.2023 filed in W.P.(C) 6225/2023, the DUSIB, through Mr. Rajeev Kumar Datta, Deputy, Director, Rehabilitation, has taken a stand that although DUSIB is a statutory Board under the provisions of the DUSIB Act, 2010, an enactment of the Legislative Assembly of the NCTD⁹, and is empowered to prepare schemes for removal of JJ camps and the resettlement of the residents, it has referred to the proviso to sub-section (3) of Section 10 of the DUSIB Act. According to DUSIB, the

⁹ National Capital Territory of Delhi



land in question, where the JJ camps are located, falls under the jurisdiction of the Central Government & its agencies. It is stated that the process of removal and resettlement must be undertaken with the prior consent of the Central Government or the concerned organization. Subsection (3) of Section 10 of the DUSIB Act, 2010 is reproduced herein below: -

“Removal and resettlement of jhuggi jhopri bastis:

10(3) The Board may, after prior consultation with the Government, cause any jhuggi jhopri basti to be removed and may resettle such residents thereof as may be eligible in accordance with the scheme prepared under sub-section (1), and it shall be the duty of the local authority having jurisdiction and of the police and of any other agency or department whose assistance the Board may require to co-operate with and render all reasonable assistance to the Board:

Provided that where jhuggi jhopri basti is on the land belonging to the Central Government or any of its organizations, the process of removal and resettlement shall be undertaken with the prior consent of the Central Government or its organization concerned:

Provided further that such resettlement shall not be done in contravention of the provisions of the Delhi Development Act, 1957 (61 of 1957) and those of the Master Plan for Delhi or the zonal development plans prepared thereunder.”

13. While DUSIB acknowledges that it is the designated nodal agency for the purposes of initiating the rehabilitation and relocation process under the 2015 Policy, it is submitted that in the present case, DDA, being the Land-Ownning Agency¹⁰, is the implementing authority for undertaking *in-situ* rehabilitation of the JJ dwellers concerned under the PMAY-HFA(U)¹¹. Accordingly, it is the stand of DUSIB that it has no role in the sealing drive purportedly undertaken

¹⁰ LOA

¹¹ Pradhan Mantri Awas Yojana – Housing for All (Urban)



by the DDA, nor in the determination of eligibility for relocation or rehabilitation of the petitioners who have been found ineligible by the concerned authorities.

14. DUSIB further submits that it is an admitted position that the petitioner, as on the cut-off date of 01.01.2015, was a minor. In this regard, reliance is placed on Clause 1(ii) of Part B of the 2015 Policy, which stipulates that, for eligibility under the rehabilitation scheme, the applicant must have been residing in the *jhuggi* as on 01.01.2015. Furthermore, as per Clause 1(iii), the name of the JJ dweller must mandatorily appear in at least one of the voter lists for the years 2012, 2013, 2014 or 2015 (i.e., prior to 01.01.2015), as well as in the year of the joint survey undertaken by the land-owning agency. In addition, reference is drawn to Clause 1(vii), which mandates that the beneficiary or any member of his/her family should not own a *pucca* house in any part of India in his/her own name or in the name of any family member, in consonance with the guidelines issued under the PMAY(U).

STAND OF DDA

15. In its counter-affidavit dated 30.05.2023, filed through Mr. Prakash Chand, Deputy Director, in W.P.(C) 6225/2023, the Respondent/DDA has raised preliminary objections, asserting that the present writ petitions are liable to be dismissed at the threshold. It is contended that the petitioners' averments, that all requisite documents were submitted and that they fulfilled the eligibility criteria under Part-B of the 2015 Policy, are wholly misconceived, vague, and bereft of any substantiating evidence. The onus of establishing individual



eligibility rests squarely on each petitioner, in accordance with the prevailing policy. **It is further stated that filing of a composite petition in an attempt to evade this burden is impermissible and legally untenable.**

16. It is further averred that a comprehensive survey was duly conducted in October 2019, the results of which were publicly displayed at the concerned JJ cluster, inviting objections up to 31.08.2020. The petitioners were afforded adequate and multiple opportunities to submit requisite documents both during the objection window and subsequently at a special verification camp organized from 21.03.2022 to 08.04.2022. Determinations of eligibility were undertaken based solely on the documentary evidence available on record.

17. The DDA further submits that, as per Clause 1(x) of the 2015 Rehabilitation Policy, possession of a separate ration card issued prior to 01.01.2015 is a mandatory requirement for recognizing an independent family unit residing on the upper floor. This condition has been incorporated to prevent abuse of the rehabilitation process and to deter unauthorized vertical expansion of jhuggis with a view to securing multiple allotments. The petitioners' claim that issuance of ration cards ceased after 2013 is denied as factually incorrect. The process of issuing ration cards continued, and the Petitioners have failed to furnish any credible proof of efforts made to obtain the same.

18. The DDA further clarifies that the earlier Circular issued by DUSIB in 2013, along with related DDA instructions, stand



superseded by the 2015 Policy, as further reinforced by DDA Authority Resolution No. 33/2017. The governing framework now explicitly stipulates that only those family units possessing separate ration cards issued prior to the cut-off date of 01.01.2015, and who fulfil all other prescribed eligibility conditions, are entitled to separate allotments in respect of upper-floor tenements.

19. It is further the case of the DDA that there is credible reason to believe that certain petitioners have acted in collusion with the objective of securing multiple allotments by misrepresenting facts and submitting misleading information during the survey process. Many among them are, in fact, constituents of family units that have already been allotted flats, and therefore, lack any independent or distinct claim under the policy.

20. The 2015 Policy unequivocally requires each applicant to furnish at least one document from the list of admissible documents, the particulars of which have been extracted in Paragraph 7 of this judgment. It is specifically mandated that such documentary proof must bear a date of issuance prior to the cut-off date of 01.01.2015. It is the categorical case of the DDA that the petitioners have failed to furnish any qualifying document within the prescribed parameters and are, therefore, not entitled to any relief in the present proceedings.

LEGAL SUBMISSIONS AS ADVANCED BY THE PETITIONERS QUA THE UPPER FLOOR JHUGGI

21. The gravamen of the petitioners' grievance pertains to the rejection of their claims solely on the ground that the upper floor



jhuggi units did not possess a separate ration card. The impugned rejection orders uniformly cite the reason as: “***No Separate Ration Card for Upper Floor Jhuggi.***”

22. It is contended that the rationale for such rejection is manifestly arbitrary and unsustainable in law, particularly in view of the fact that the issuance of new ration cards in Delhi has been effectively suspended due to the saturation of the ceiling prescribed under the 2011 Census. In such circumstances, the non-availability of a separate ration card cannot validly constitute the basis for disqualification, as ration cards are no longer being issued and thus cannot be relied upon as proof of residence or identity.

23. In continuation of the above submissions, Ms. Aditi Gupta, learned counsel appearing for the petitioners in **W.P.(C) Nos. 8126/2023** and **7976/2023**, has submitted that the petitioners’ claims for allotment of alternative dwelling units under the 2015 Policy have likewise been rejected solely on the basis that the petitioners residing on the upper floors of jhuggi structures do not possess separate ration cards.

24. The petitioners in conjunction submit that their rejection for rehabilitation is *ex facie* arbitrary, unreasonable, and contrary to the settled position of law. Nowhere does the 2015 Policy stipulate that a separate ration card is a mandatory requirement to prove eligibility, particularly in the context of vertically-shared jhuggi structures occupied by different nuclear families. On the contrary, the 2015 Policy permits reliance on any one of twelve prescribed documents to establish residence and identity.



25. The petitioners further submit that the Appellate Authority has failed to consider the fact that under the 2015 Policy, submission of any one out of the twelve documents listed in Part B is sufficient to establish eligibility. The petitioners have, in fact, submitted alternative documentary evidence demonstrating their continued residence in the jhuggi structures in question, including voter ID cards, Aadhaar cards, electricity bills, and other government-issued documents, all of which form an integral part of the record in the respective writ petitions. However, the said material has not been duly appreciated by the authorities while passing the impugned orders of rejection.

26. It is further alleged that the DDA, by initiating steps for demolition of the JJ clusters and proceeding with physical eviction without affording due process or considering the petitioners' documentary evidence, is violating their constitutionally protected right to shelter. Such action is stated to be contrary to Article 19(1)(g), read with Article 21 of the Constitution of India, 1950, thereby compelling the petitioners to seek redress before this Court.

27. Briefly stated, Mr. Kaoliangpou Kamei, learned counsel appearing on behalf of some of the petitioners in W.P.(C) 4607/2024, W.P.(C) 8544/2023, W.P.(C) 9043/2023, W.P.(C) 8546/2023, W.P.(C) 8545/2023 and W.P.(C) 9077/2023 places reliance upon the short reply dated 07.08.2023 filed by the Government of NCT of Delhi in **W.P.(C) No. 9043/2023** titled "Mohamad Danish v. DDA & Ors.", wherein it has been categorically stated that the upper limit for issuance of new ration cards in Delhi, fixed at 72,77,995 beneficiaries by the Union of India, has already been exhausted. Furthermore, in



response to an RTI query dated 03.03.2023, the GNCTD reiterated that ration cards are now being issued only against existing vacancies arising within the quota. In another RTI reply dated 10.07.2023, it was further clarified that, pursuant to a Gazette Notification, ration cards shall no longer be treated as valid proof of residence or identity.

28. It is submitted that the DDA, in its order dated 02.07.2014, clearly observed that possession of a ration card is not a mandatory requirement for the purposes of rehabilitation, particularly in light of the DUSIB Order dated 25.02.2013 in W.P.(C) 4067/2024.

29. In support of their submissions, the petitioners place reliance upon the following binding precedents:

- i. **Rajiv Camp Saidabad Through Gena Prasad (President) v. Govt. of NCT of Delhi & Ors.**¹², wherein the Supreme Court unequivocally held that “*the Board shall not reject the applications on the ground that ration cards and other data is not available.*”
- ii. In **Udal v. Delhi Urban Shelter Improvement Board**¹³, the Division Bench of this Court, *vide* judgment dated 12.12.2017, held that mere technical objections should not be permitted to defeat the legitimate claims of eligible jhuggi dwellers. The Court emphasized that the 2015 policy must be interpreted liberally and realistically, and that substantive compliance with eligibility criteria should prevail over procedural infirmities.
- iii. Similarly, in **Smt. Beni v. Government of NCT of Delhi & Ors.**¹⁴, this Court reiterated that the objective of the rehabilitation policy is to provide secure and dignified housing to economically weaker sections, and that such policies must be construed in a broad and purposive manner, rather than adopting a narrow and pedantic interpretation.

¹² S.L.P. (C) Nos. 13296–13297 of 2017 (Order dated 19.05.2022),

¹³ W.P.(C) No. 5378/2017

¹⁴ W.P.(C) No. 315/2020



LEGAL SUBMISSIONS ON BEHALF OF THE DDA

30. Ms. Kritika Gupta, learned counsel appearing on behalf of the DDA, submits that as per Clause 1(x) of the 2015 Policy, a separate ration card is mandated only for a specific and narrowly tailored purpose, namely, to demonstrate that a distinct family unit resides independently on the upper floor of a jhuggi, which is capable of being treated as a self-sustaining, standalone dwelling unit. This requirement also serves the essential policy objective of precluding multiple claims for alternate allotment by members of the same family, particularly in cases where one such member has already received allotment in respect of the ground floor of the same jhuggi.

31. The ration card, in this context, is not being used as an identity proof or a general proof of residence, but rather as a determinative document to evidence the independent existence of a separate household. It is submitted that no other government-issued document exists which can reflect the composition of a family unit or establish its distinctiveness for the purposes of eligibility under the said Scheme.

32. In the absence of this requirement, it is apprehended that there would be a substantial rise in unauthorized construction of upper floors by jhuggi dwellers or their family members, with the intent of securing multiple allotments in violation of the letter and spirit of the rehabilitation policy. Such an outcome would frustrate the core purpose of the 2015 Policy, which seeks to facilitate the planned relocation and rehabilitation of genuine slum dwellers and to promote



a slum-free Delhi. Moreover, permitting multiple allotments to members of a single family would place an unsustainable burden on the public exchequer, particularly when there are competing demands for limited housing stock among other eligible beneficiaries.

33. It is further submitted that, in the present category of cases, none of the petitioners have been able to produce any official documentation that specifies the address as “**First Floor**”, of their respective Jhuggi No., or any equivalent government-recognised designation. Notwithstanding this lack of documentary proof, the petitioners are seeking recognition of the first-floor units as separate and independent households eligible for individual allotments. In such circumstances, it is respectfully submitted that the petitioners’ claims cannot be accepted in the absence of documentary corroboration as required under the 2014 Policy.

34. Ms. Kritika Gupta, learned Counsel for DDA further places reliance on the findings of the Appellate Authority, which has, in several cases, examined the survey records to determine whether the upper floors constitute self-contained and independently functioning dwelling units. Where the Appellate Authority has found the ground and first floors to share a common ingress and egress point or other facilities, it has correctly concluded that the upper floor does not meet the threshold of a separate household eligible for independent allotment.

35. It is further submitted that in the orders where the Appellate Authority has rejected the appeals of the petitioners falling under **Part**



A, the Appellate Authority came to the factual conclusion that the first floor of the jhuggi in question did not qualify as a separate unit, given that both floors had a shared entrance and were not independently self-sustaining. Such findings are supported by material on record and cannot be lightly interfered with.

36. In rebuttal to the petitioners' contention that the GNCTD had not issued any ration cards after the year 2013, it is submitted that the said assertion is factually incorrect and misleading. It is further submitted that the issuance of ration cards by the competent authority was never formally discontinued and, in fact, continued beyond 2013, as is evident from official records and data obtained from the GNCTD. Hence, petitioners who claim to have been residing separately as of the cut-off date of 01.01.2015 ought to have procured or produced a valid and separate ration card to substantiate their eligibility.

37. In light of the above submissions, the DDA submits that the rejection of the petitioners' claims in such cases is lawful, justified, and fully consistent with the express terms of the 2015 Policy, as well as with the larger public interest objectives underpinning the rehabilitation scheme.

38. In response to the petitioners that the petitioners are entitled to alternative allotment on the ground that the second floor of the jhuggi ought to be construed as an 'upper floor jhuggi' within the meaning of the DUSIB Policy, if the said policy is interpreted in a liberal and purposive manner. In rebuttal, learned counsel for DDA has



submitted, particularly in relation to W.P.(C) 6225/2023, that petitioner No. 107, Ms. Basanti Patra, and petitioner No. 99, Ms. Kavita Devi, were found, during the official survey, to be residing on the second floor of the jhuggi. It is further submitted that the ration cards relied upon by these petitioners pertain to their parents, who are already in occupation of the ground floor of the same jhuggi.

39. Ms. Kritika Gupta has further drawn the attention of this Court to the explicit provisions of the 2015 Policy, which unequivocally stipulate that, for the purposes of considering eligibility for allotment in respect of upper floor jhuggis, only the first floor shall be deemed eligible under the policy, and no benefit is extended to structures located on the second floor or above.

PART- B

MATTERS IN WHICH THE APPEALS WERE ALLOWED BY THE APPELLATE AUTHORITY BUT THE DECISIONS WERE SUBSEQUENTLY OVERRULED BY THE DDA

40. Succinctly stated, the present petitions involve common questions of fact and law arising from the circumstance that, although the petitioners' appeals were initially allowed by the Appellate Authority, the DDA subsequently overturned those decisions. Reference may be made to Table No. 5¹⁵, wherein the petitions falling under this category are mentioned.

¹⁵ W.P.(C) 6225/2023, W.P.(C) 6360/2023, W.P.(C) 8433/2023, W.P.(C) 9870/2023, W.P.(C) 9873/2023, W.P.(C) 9887/2023, W.P.(C) 11370/2023



41. **W.P.(C) 9870/2023** be treated as the lead matter amongst the present batch of petitions, as it encapsulates the core legal and factual issues arising in these proceedings.

STAND OF DUSIB

42. It is pertinent to note that in this common judgment, the stand of DUSIB remains identical and reference can be made to para-Nos. 12 to 14.

STAND OF DDA

43. In its Counter Affidavit dated 07.08.2023, filed through Mr. Prakash Chand, Deputy Director, in W.P.(C) 9870/2023, has reiterated the same stand as taken in Paragraph Nos. 15 to 18.

44. It is further stated that the Appellate Authority overlooked the eligibility conditions as laid out as per the 2015 Policy. It is further stated that rehabilitation is not an absolute constitutional right, which is available to the encroachers and that the right of rehabilitation, if any, is flowing from the 2015 policy and has to be scrupulously followed.

SUBMISSIONS MADE ON BEHALF OF THE PETITIONERS

45. Learned counsel for the petitioners in W.P.(C) 9870/2023 submits that the Appellate Authority, *vide* its reasoned and speaking order dated 12.06.2023, categorically held the Petitioners to be eligible for the grant of an alternate accommodation under the 2015 Policy, and directed the competent authority to take necessary steps in that regard.

46. Despite the binding nature of the said appellate decision, the DDA, acting in stark defiance of the findings and directions of the



Appellate Authority, issued a subsequent communication dated 04.07.2023, whereby the petitioners' claims were summarily rejected. It is the case of the petitioners that this rejection was not only arbitrary and devoid of any cogent reasoning, but also suffers from a fundamental legal infirmity, namely, the lack of authority vested in the DDA to override or set aside the decision of the Appellate Authority under the Scheme. Such a course of action is *ex facie* arbitrary, perverse, and unsustainable in law, being in derogation of the binding findings of the statutory Appellate Authority. The petitioners submit that the DDA's approach amounts to a colourable exercise of power, and is violative of the principles of natural justice, non-arbitrariness, and legal finality of quasi-judicial determinations.

47. Furthermore, it is submitted that the controversy in the present case stands squarely covered by the decision of this Court in **Udal v. Delhi Urban Shelter Improvement Board (supra)**, as well as in **Beni v. Government of NCT of Delhi & Ors.(supra)**, thereby lending binding precedential value to the petitioners' case.

48. In view of the above, it is submitted that the rejection of the Petitioners' claims, in the face of a favourable and final adjudication by the Appellate Authority, is legally untenable and liable to be set aside.

LEGAL SUBMISSION ON BEHALF OF DDA

49. However, in response, learned counsel for the DDA, Ms. Kritika Gupta, upon instructions, has stated before this Court that the DDA is seized of the matter and is presently undertaking a re-



examination of the Petitioners' claims for the purposes of rehabilitation in accordance with the applicable policy framework.

PART C

MATTERS WHEREIN THE APPELLATE AUTHORITY HAS REJECTED THE APPEALS PREFERRED BY THE CONCERNED JJ DWELLERS ON THE GROUND THAT THEIR NAMES DO NOT FIGURE IN ANY OF THE VOTER LISTS FOR THE YEARS 2012, 2013, 2014, OR 2015 (PRIOR TO THE CUT-OFF DATE, I.E., 01.01.2015), AND/OR ON THE GROUND THAT THE VOTER IDENTITY CARD FURNISHED BY THE APPLICANT HAS BEEN FOUND TO BE INVALID.

50. The petitioners *qua* this category place their reliance upon **Udal (supra)**, wherein the Coordinate Bench had held that the requirement of inclusion in the voter list as per Clause 1(iii) of Part B of the 2015 Policy and possession of any one of the documents under Clause 2 of Part B of the 2015 policy, are to be read conjointly, and that fulfilment of either would suffice for eligibility under the 2015 Policy.

51. However, during the course of arguments, the attention of this Court was invited to a decision by the Division Bench of this Court on 02.05.2025 in W.P.(C) 5568/2025 titled “**Radhe Shyam Kori & Ors. v. GNCTD & Anr.**”, had perused the 2015 Scheme, has expressly disagreed with the reasoning in paragraph (39) of **Udal (supra)**, observing that Clause 1 lays down the substantive eligibility criteria, including mandatory appearance in the voter lists of the specified years, and that Clause 2 merely provides for additional documentary support. The Bench has accordingly opined that **Udal (supra)** does not lay down the correct position in law in this regard. In view of this disagreement, the matter has been referred to a Larger Bench to



authoritatively decide the correct interpretation of the Policy, particularly the necessity of compliance with the voter list requirement under Clause 1(iii).

52. This Court shall delve into the said aspect later on in this judgment.

PART D

MATTERS WHEREIN TWO ALLOTMENTS ARE NOT PERMISSIBLE AGAINST ONE JHUGGI AND ONE ALLOTMENT HAS ALREADY BEEN MADE AGAINST THE CLAIMED STRUCTURE¹⁶

53. In this Category, W.P.(C) 3350/2023 will be treated as the lead matter.

54. Learned counsel for the petitioner submits that the present case pertains to a situation wherein two allotments were initially made in respect of the same jhuggi. It is contended that the petitioner and her husband were residing in Jhuggi No. B-489. It is further stated that Jhuggi No. B-13, situated adjacent thereto, was allotted to Shri Gunadhar Roy, who is the brother-in-law of the petitioner's husband. It is submitted that Shri Gunadhar Roy voluntarily handed over possession of Jhuggi No. B-13 to the petitioner's husband, Shri Sujit Das, in good faith, as neither he nor his family members were residing therein, having been permanent residents of 30A/88, DDA Flats, Chittaranjan Park, New Delhi – 110019, which had been allotted to the mother of Shri Gunadhar Roy.

¹⁶ Reference may be drawn to Table No. 6 of this common judgment



55. It is further submitted that the petitioner's husband, despite having borne all expenses towards the construction of the house situated over Plots B-13 and B-489, out of deference to familial relations and considering that Jhuggi No. B-13 had initially been allotted to Shri Gunadhar Roy, permitted the latter to retain the postal address of the ground floor as B-13. Consequently, the first floor of the same premises was assigned the postal address of B-489, Bhoomiheen Camp, Kalkaji, New Delhi – 110019.

56. It is submitted that the petitioner's name was duly reflected in the survey list at Serial No. 2403, bearing Jhuggi ID: 385-7/18.1, in respect of the first floor of the said premises. The ground floor, recorded at Serial No. 2402, with Jhuggi ID: 385-7/17.G, was shown in the name of Smt. Promita Ray (also known as Promila Roy), wife of Shri Gunadhar Roy. It is further submitted that Smt. Promita Ray is a permanent resident of 30A/88, DDA Flats, Chittaranjan Park, New Delhi – 110019, and has never actually resided in the said jhuggi.

57. It is further averred that the first allotment, made in favour of one Promilla Roy (respondent no. 3 in W.P.(C) 3350/2023), was subsequently cancelled as she was found ineligible on the ground that the original allottee had already been allotted government accommodation elsewhere. The petitioner had applied in respect of the same jhuggi after such cancellation. However, the petitioner's claim was rejected on the ground that there were two allotments made in relation to the same jhuggi.

58. Learned counsel for the petitioner submits that this reasoning is flawed as the earlier allotment stood cancelled and cannot be held



against the petitioner. Reliance is placed on the disqualification letter dated 07.11.2022 and the order of rejection passed by the Appellate Authority dated 31.01.2023. It is also submitted that the jhuggi in question has since been demolished. Learned counsel candidly states that there are no surviving documents to prove the existence of the jhuggi or the cancellation beyond the ones already placed on record, but urges that the official record of cancellation and the petitioner's individual claim merits consideration on its own strength.

59. *Per contra*, learned counsel for the DDA, Ms. Kritika Gupta, has submitted that a draw of lots was conducted on 17.02.2022, and upon examination of the videographic recordings pertaining to the eligible dwellers of Bhoomiheen Camp, it was revealed that the petitioners had suppressed material facts during the survey. While they had claimed to be residing on the ground floor of the jhuggi, the videography disclosed that their actual place of residence was on the upper floor(s) of the said jhuggi.

60. It is further submitted that the Appellate Authority, in its order dated 31.01.2023, observed that the material on record indicates that the rooms situated on the first and second floors do not have independent access from the *gali* (lane), and that the staircase providing access to the first-floor room, claimed by Ms. Seema Das for allotment in respect of Jhuggi No. B-489, emanates from within the room of Ms. Promila located on the ground floor. It is also submitted that the Appellate Authority, in the same order, recorded that there was no material on record to demonstrate that the name of the petitioner appeared in at least one of the voter lists for the years



2012, 2013, 2014, or 2015 (prior to 01.01.2015), as well as in the year of the survey, as mandated under Clause 1(iii) of Part-B of the 2015 Policy.

PART – E

THE PETITIONER'S APPEAL WAS ALLOWED BY THE APPELLATE AUTHORITY, BUT NO ALTERNATIVE ACCOMODATION WAS PROVIDED TO THE PETITIONER BY THE DDA.

61. Briefly stated, W.P.(C) No. 1854/2024 has been preferred by the petitioner, who has not been allotted the alternative dwelling unit by the DDA in accordance with Clause 1(ix)¹⁷ of the 2015 Policy.

62. It is the case of the petitioner that the EDC *vide* order dated 07.11.2022 had initially found that the petitioner was not eligible for the alternative dwelling unit on account of the subject jhuggi being solely used for commercial purposes.

63. However, it was submitted by the learned counsel for the petitioner that the Appellate Authority after a detailed factual enquiry, on 31.03.2023, had set aside the rejection order of the EDC, and directed DDA to allot an alternative dwelling unit to the petitioner, as it was determined that the subject jhuggi was used both for commercial and residential purposes. It is the case of the petitioner, that till date the DDA has not allotted him an alternative dwelling, and that his jhuggi stands demolished by the DDA in the first week of July, 2023.

¹⁷ 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.



64. The learned counsel has placed reliance on the decision of the Supreme Court in **Mohinder Singh Gill & Anr. v. Chief Election Commissioner, New Delhi & Ors.**¹⁸, wherein it was held that “*when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out.*”

65. It would be apposite to reproduce the relevant findings of the order dated 31.03.2023, passed by the Appellate Authority, which reads as under: -

“21. The statement of the Appellant/Claimant, Mahender Kumar, has been recorded before us on 10.03.2023, wherein he has stated that his parents, Chander Bhan & Giano, are having two sons, Mahender (Appellant/Claimant) & Mahabir and three daughters, Kiran, Krishna & Neelam. Giano had expired in the year 2015. All the children are married. All the three daughters, Kiran, Krishna & Neelam are living in their respective matrimonial homes in Ambedkar Nagar, Sangam Vihar & Nangloi. Mahabir is married with Sunita and having four children Varsha, Akash, Sagar & Puja and he is living in DDA flata. Mahender Kumar (Appellant/Claimant) is married with Chunmun and having two children, Yash & Khushi.

22. The Appellant/Claimant has stated that his family is having two jhuggis situated in two separate galis in Bhoomiheen Camp. One is bearing Jhuggi No. B-548 and another Jhuggi No. B-550. His parents, Chander Bhan & Giano (up till her death in 2015) are living in Jhuggi No. B-548 and regarding that DDA has made allotment in favour of his father, Chander Bhan. These facts are not disputed by DDA.

23. The Appellant/Claimant has stated that the Jhuggi No. B-550 is situated on the main road in Bhoomiheen Camp. Jhuggi No.

¹⁸ [1978] 1 SCC 405



50 is having two portions (Front & Back Portions), which are having separate entries. It is a corner Jhuggi having two gates, i.e., Main Gate & Side Gate. The Main Gate is opening on the main road and the Side Gate is opening in the gali. The Appellant/Claimant had opened a shop for selling "Coolers" in the 'Front Portion having an area of 10' X 8' and it is having entry from the 'main road'. Whereas the Appellant/ Claimant along with his family is living on the Back Portion and it is having entry from the gali.

24. The Appellant/Claimant has sought allotment from DDA against the said Jhuggi No. B-550. But his claim has been rejected by the DDA and aggrieved by the same he has filed the present Appeal No. 555 of 2023 for redressal. the Appellant/ Claimant has tendered documents, Annexure-A to Annexure-L, and prayed that DDA be directed to make allotment in his favour.

25. DDA has furnished the survey records along with six video clips. The video clips were played before the Appellant/Claimant when his statement was recorded before us on 10.03.2023 wherein he has stated that in the video clips he (Mahender Kumar, Appellant/Claimant) is seen along with his wife and child inside their jhuggi. His shop on the main road is also clearly seen in the videos and a gali is seen going from the main road to the inside basti. Further the room of the Appellant/Claimant situated at the backside of his cooler's shop is also seen in these six videos. These is a separate gate/entrance opening into the back portion of his Jhuggi, which is sued for residential purposes.

26. The Appellant/Claimant has also submitted a pen drive (Annexure-L) which was also played before him when his statement was recorded before us on 10.03.2023. There are two videos in the pen drive which were played. A cooler's shop having an opening on the main road is clearly seen and further the back portion used as residential purposes by the Appellant/Claimant and having separate door/entrance from the side gali is also seen in these videos. Further, Mahender Kumar, his wife, Chunmun & child are also seen inside their room in the gali. A brick wall is also seen in between the shop and the room.

27. The survey records as well as the four video clips furnished by DDA and also the video contained in the pen-drive (Annexure - L) shows that Jhuggi No. B-550 is used by the Appellant/Claimant for residential as well as commercial purposes. Therefore, the statement of the present Appellant/Claimant has been duly corroborated by the video clips furnished by DDA and the pen drive placed on record by the Appellant/Claimant thereby showing



that the Jhuggi No. 550 is used by the Appellant/Claimant for residential-cum-commercial purposes. His shop is clearly seen on the main road. Being a corner shop there were two separate entrances. One on the main road used for the shop and another from the gali to the room used by Mahender Kumar for residential purposes.

28. *The condition contained in Part-B paras No. 8 & P of DDA Policy detailed in Para no. 11 runs as under:*

“8. No dwelling unit shall be allotted if the jhuggi is used solely for commercial purpose.”

“9. In case, the jhuggi being used for both residential and commercial purposes can be considered allotment of one residential plot only. In case, the ground floor of the jhuggi is being used for commercial purposes and other floors for residential purposes that will entitle him for on residential plot only, if such commercial and residential unit is occupied by the same person.

29. *As per our discussion above. the statement of the Appellant/Claimant as well as the survey records/video clips and also the video contained in the pen-drive (Annexure-L) has duly proved that the Jhuggi No. 550 is used by the Appellant/Claimant for Residential-cum-commercial purposes and on the cutoff date of 01.01.2015 it was not solely used for commercial purposes but on the other hand it was put to mixed use as commercial & residential by the Appellant/Claimant, Mahender Kumar.*

30. *The bare perusal of the Policy detailed in. Para no. 11 above shows that for claiming allotment the JJ dwellers must be a citizen of India and not less than 18 years of age and further also that the name of JJ dwellers must appear in at least on the voter list of the year's 2012, 2013, 2014 and 2015 (prior to 01-01-2015) & also in the year of survey, for the purpose of rehabilitation. Therefore, the Appellant/Claimant is mandatorily required to be not less than 18 years of age and he/she must also possess a Voter ID Card on the cut off date of 01.01.2015 and further his/her name must appear in at least on the voter list of the year's 2012; 2013, 2014 and 2015 (prior to 01-01-2015) & also in the year of survey.*

31. *Now we shall first appraise the material plated on file to determine the eligibility of the present Appellant/Claimant on other parameters as to whether the Appellant/Claimant was having all the requisite documents, including Voter ID Card, on the cutoff*



date of 01.01.2015 and further whether his name appears in at least on the voter list of the year's 2012, 2013, 2014 and 2015 (prior to 01-01-2015) and also in the year pf survey.

32. The Appellant/Claimant has stated that his claim has been wrongly rejected by DDA. The Appellant/Claimant has tendered documents, Annexure-A to Annexure-L, in support of his claim and prayed that DDA be directed to make allotment in his favour.

33. The Appellant/Claimant has tendered his Voter ID Card bearing number ARE 1159805 (Annexure-A), Aadhar Card (Annexure-B), Voter List of the year 2012 (Annexure-G), Voter List of the year 2013 (Annexure-H), Voter List of the year 2014 (Annexure I), Voter List of the year 2015 (Annexure-J) and Voter List of the year 2019 (Annexure-K).

34. It is pointed out that the Voter ID Card bearing number ARE 1159805 (Annexure-A) has been issued on 27.10.2008, much prior to the cutoff date of 01.01.2015. Furthermore, the name of the Appellant/Claimant appears at Sl. No: 751 in the Voter List of the year 2012 (Annexure-G), at Sl. No. 751 in the Voter List of the year 2013 (Annexure-H), at Sl. No. 823 in the Voter List of the year 2014 (Annexure-i), at Sl. No 854 in the Voter List of the year 2015 (Annexure-) and at Sl. No. 876 in the Voter List of the year 2019 (Annexure-K). Therefore, we have no hesitation in holding that the Appellant/ Claimant was having a Voter ID Card on the cut off date of 01.01.2015 and his name also appears in at least on the voter list of the year's 2012, 2013, 2014 and 2015 (prior to 01-01-2015) & also in the year of survey. Therefore, the Appellant/Claimant fulfills the eligibility criteria as per the guidelines issued by DDA.

35. The Appellant/Claimant has also tendered the Voter ID Card No. ARE 2556694 (Annexure-C) & Aadhar Card (Annexure-D) of his wife Chunmun as well as the Electricity Bill (Annexure-E) and Ration Card (Annexure-F). It is pointed out that the Voter ID Card No. ARE 2556694 (Annexure-C) has been issued on 22.10.2021. The Electricity Bill (Annexure-t) shows that the connection has been taken by the Appellant/Claimant on 16.07.2010, much prior to the cutoff date of 01.01.2015. The Ration Card (Annexure-F) shows that it has been issued in the name of his wife Chunmun and the name of the Appellant/Claimant & his son Yash are also mentioned. It is pointed out that the abovementioned documents are corroborating the claim of the present Appellant/Claimant to the effect that Jhuggi No. 8-550 is not used solely for commercial



purposes but it is put to mixed use as commercial & residential because the Appellant/Claimant is running a shop for selling "Cooler" in the front portion whereas the back portion is used for residential purposes by the Appellant/Claimant and his family.

36. *The material placed on file shows that the Jhuggi No. B-550 is situated on the main road in Bhoomiheen Camp and it is having two portions (Front & Back Portions), which are having separate entries. It being a corner Jhuggi is having two gates, i.e., Main Gate & Side Gate. The Main Gate is opening on the main road and the Side Gate is opening in the gali. The Appellant/ Claimant is running a shop for selling "Coolers" in the Front Portion having an area of 10' X 8' and it is having entry from the main road whereas the Appellant/Claimant along with his family is living on the Back Portion and it is having entry from the gali. The Jhuggi No. B-550 was not used solely for commercial purposes on the cutoff date of 01.01.2015 but it was put to mixed used for commercial & residential purposes and the same has been duly substantiated by the video clips prepared by the survey team & the per-drive furnished by the Appellant/ Claimant and further the Appellant/ Claimant was having all the requisite documents, including Voter ID card & Ration Card, on the cutoff date of 01.01.2015 and his name also appears in the voter list of the year's 2012, 2013, 2014 and 2015 (prior to 01-01-2015)-& also in the year of survey. Hence, we have no hesitation in holding that the Jhuggi No. B-550 at the time of cutoff date of 01.01.2015 was & is still being used for both residential & commercial purposes and accordingly the claim put forward by the present Appellant/Claimant has been fully covered under the condition contained in Part-B Paras No. 8 & 9 of DDA policy and further the Appellant/ Claimant was having all the requisite documents, including Voter ID card & Ration Card, on the cutoff. date of 01.01.2015 and his name also appears in the voter list of the year's 2012, 2013 2014 and 2015 (prior to 01-01-2015) & also in the year of survey. Therefore, the Appellant/Claimant fulfills the eligibility criteria as per the guidelines issued by DDA.*

37. *In view of our findings above, we have no hesitation in holding that on the cutoff date of 01.01.2015 the Appellant/ Claimant fulfills the eligibility criteria as per the guidelines issued by DDA but the Eligibility Determination Committee has wrongly and illegally rejected his claim. Hence the present Appeal No. 555 of 2023 stands allowed, hereby, setting aside the impugned order bearing No. 385/18/76.G/791 dated 07.11.2022. DDA is. hereby directed to*



make allotment in favour of Appellant/ Claimant, Mahender Kumar 5/o Chander Bhan, in respect of the Jhuggi No. B-550, Bhoomiheen Camp”

ANALYSIS AND DECISION

66. I have bestowed my thoughtful consideration to the detailed submissions advanced by the learned counsels for the parties at the Bar and I have meticulously gone through the record of the present matter and the case laws cited.

67. At the outset, although the instant batch of writ petitions raises substantial preliminary concerns, including those relating to maintainability as well as the adjudication of disputed questions of facts, this Court has elected to proceed to examine the core legal issues canvassed by learned counsel for the parties. For assessing the legality and propriety of the actions undertaken by DDA, it is necessary to briefly consider the scheme and intent of the DUSIB Act, which came into force on 13.05.2010. The DUSIB Act provides for the establishment of a statutory Board tasked with certain specified functions delineated under Chapter III of the enactment. The term ‘*jhuggi*’ is defined under Section 2(f) of the DUSIB Act to mean any structure, whether temporary or permanent and irrespective of the materials used, possessing the following characteristics: -

- (i) it is built for the residential purpose;
- (ii) its location is not in conformity with the land use of Delhi Master Plan;
- (iii) it is not duly authorized by local authority having jurisdiction;
- (iv) it is included in the jhuggi Jhopdis basti declared as such by the Board, by a notification.

68. Section 2(g) of the DUSIB Act defines ‘*jhuggi jhopri basti*’ in



the following terms: -

“jhuggi jhopri basti” means any group of jhuggis which the Board may, by notification, declare as a jhuggi jhopri basti in accordance with the following factors, namely:-

- (i) the group of jhuggis is unfit for human habitation;
- (ii) it, by reason of dilapidation, overcrowding, faulty arrangement and design of such jhuggis, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, is detrimental to safety, health or hygiene; and
- (iii) it is inhabited at least by fifty households as existing on 31st March, 2002:

Provided that the Board may, by order, attach any jhuggi or jhuggis scattered in the nearby areas to any jhuggi jhopri basti and such jhuggi or jhuggis shall be deemed to be part of such jhuggi jhopri basti;

69. In this context, it is pertinent to note that the Central Government, addressing the challenges of a rapidly expanding urban population and increasing rural-urban migration, introduced a flagship housing initiative known as the **Pradhan Mantri Awas Yojana**¹⁹. This programme was conceptualized to bridge the gap and achieve the ambitious goal of ‘housing for all’ by the year 2022. The PMAY is structured into two distinct components: (i) *Pradhan Mantri Awas Yojana (Urban)* (PMAY-U), which is implemented by the Ministry of Housing and Urban Affairs, and (ii) *Pradhan Mantri Awas Yojana (Gramin)* (PMAY-G), administered by the Ministry of Rural Development. The PMAY-U scheme was launched on 25.06.2015 with the objective of:

“The Mission seeks to address the affordable housing requirement in urban areas through following programme verticals:

¹⁹ PMAY



- Slum rehabilitation of Slum Dwellers with participation of private developers using land as a resource
- Promotion of Affordable Housing through Credit Linked Subsidy
- Affordable Housing in Partnership with Public & Private sectors
- Subsidy for Beneficiary-Led individual house construction /enhancement
- The mission verticals, originally designed for the Economically Weaker Section (EWS) and Lower Income Group (LIG) segment, have been protracted to include the Middle Income Group (MIG) as well, thus magnifying the total net of beneficiaries.”

70. The flagship programme further empowered the States, Union Territories, and urban local bodies to take appropriate ground-level decisions to ensure the fair and time-bound clearance of projects within their respective jurisdictions. It is evident that, in order to implement the said flagship programme in a mission mode, item No. 64/2019 was placed on the agenda for the Authority Meeting scheduled on 13.08.2019. The item sought permission to undertake surveys by engaging SPYM²⁰, and to proceed with the in-situ redevelopment and rehabilitation of Jhuggi Jhopri clusters in Delhi, including the *Bhoomiheen* Camp, Govind Puri, South Delhi-110019. This envisaged the construction of 3,024 EWS flats at Pocket A-14, Kalkaji Extension, New Delhi, with observations that approximately 81% of the construction work had been completed and was likely to be finished by March 2020. The proposal included shifting the Jhuggi Jhopri clusters from Moti Lal Nehru Camp, Jawaharlal Nehru Camp, and Bhoomiheen Camp at Kalkaji Extension to the aforesaid flats after completion of the surveys. It is relevant to note that the cut-off date for determining the eligibility of Jhuggi Jhopri dwellers for

²⁰ Society For Promotion of Youth & Masses



resettlement was fixed as 01.01.2015, pursuant to a report submitted by the DUSIB, which was endorsed during the meeting, and the following decisions were taken:

“5. Earlier it was decided by the Hon'ble Lt. Governor, Delhi that survey of all the JJ clusters including DDA and Central Government lands will be carried out by DUSIB by hiring an 'Agency' for which DDA has given consent vide letter dated 09.04.2018 and a sum of Rs. 5,83,425/- as an advance payment was deposited with DUSIB on 04.09.2018 for carrying out the survey of the prioritized 23 JJ clusters. **However, survey work was not started by the DUSIB. DDA has now decided to carry out the survey on its own in respect of JJ clusters on DDA and Central Government lands by hiring an 'Agency'.** The agency namely M/s Society for Promotion of Youth Masses (SPYM) has been engaged to carry out the survey. Work has been awarded and the survey is likely to start from 1st week of July, 2019.

6. In the first phase, DDA has identified 14 JJ clusters in seven projects where the In-situ Slum Development will be undertaken by the DDA as per the 'Policy' for In-situ Slum Rehabilitation/Redevelopment approved by the 'Authority' which is in consonance with the PMAY (U) guidelines. **The eligibility of the JJ dwellers of these clusters will be decided strictly as per the DUSIB Policy dated 11.12.2017. VC, DDA has directed to prepare the Detailed Project Reports (DPRs) of these JJ clusters, which are at various stages.”**

{BOLD PORTIONS EMPHASIZED}

71. There can be no gainsaying that the petitioners have no vested right to seek rehabilitation, as it is not an absolute constitutional entitlement available to encroachers such as themselves. The right to rehabilitation arises solely from the prevailing policy that binds them. The determination of eligibility for rehabilitation is a separate process from the removal of encroachers from public land. Encroachers cannot claim a right to continue occupying public land pending the resolution of their rehabilitation claims under the applicable policy, as this would unduly impede public projects.



72. In light of the foregoing discussion, it is evident that the interim injunctions obtained by the petitioners have not only hindered the timely execution of the rehabilitation project but have also resulted in a significant escalation of public expenditure, thereby causing financial strain on the State. Even assuming, *arguendo*, that the petitioners may have plausible grounds to assert a legal right to rehabilitation, a favourable adjudication would at best extend the scope of eligible beneficiaries under the prevailing rehabilitation policy. However, such a contention cannot translate into a right to indefinitely occupy public land or retain possession of their respective jhuggi jhopri dwellings, especially when the removal is in furtherance of a larger public interest and in accordance with due process.

73. This leads to the issue concerning the maintainability of the present writ petitions on the ground of misjoinder of parties, as has been vehemently argued by the learned Standing Counsel for DDA. **It has been rightly countenanced that the conjoint filing of the petitions by multiple petitioners has resulted in vague and imprecise pleadings, lacking specificity and failing to disclose uniform or common factual foundations.** Each petitioner's claim rests on individual facts, circumstances, and documentation, which are neither adequately pleaded nor supported by necessary evidence.

74. This Court observes that the scope of judicial review in matters concerning governmental policy is limited to examining whether such policy contravenes fundamental rights, violates constitutional or statutory provisions, or suffers from manifest arbitrariness. It is trite law that courts do not sit in appeal over the wisdom or efficacy of a



policy, nor can interference be warranted merely on the premise that a more prudent, equitable, or preferable alternative may exist. The legality of the policy, not its merit or soundness, is the appropriate subject of scrutiny. Intervention by the Court is warranted only where the policy is demonstrably vitiated by *malafides*, unreasonableness, arbitrariness, or unfairness, thereby rendering it unconstitutional. In the present case, no such plea or foundational challenge has been raised or substantiated by the Petitioners.

75. The foremost aspect of these matters is that the constitutional validity of the 2015 Policy has not been challenged by the petitioners. Secondly, the preliminary objections raised by the learned counsels for the petitioners in the present writ petition, as well as in the connected matters, to the effect that under the DUSIB Act, DUSIB was designated as the nodal agency for the implementation of the 2015 Policy read with the Protocol-2015, but the respondent DDA allegedly sidelined DUSIB and did not involve it in the joint survey process, and therefore, the entire process of determining eligibility conditions is flawed and unconstitutional, has already been addressed by this Court in **W.P.(C) 6290/2023**, titled **Sanjeev Bhadra & Anr. v. Govt. of NCT of Delhi**, along with a batch of other writ petitions, vide order dated 26.05.2025, and the preliminary objections have been found to be unsustainable in law. The said order is not repeated for the sake of brevity and may be read as forming an integral part of the present judgment.

76. Now, this Court shall proceed to decide the fundamental legal issues that arise under each category spelled out



hereinbefore, one by one.

CATEGORY: PART-A

77. It is evident that each of the petitioners claims to be occupying upper floors/second floors as on the cut-off date, i.e., 01.01.2015. So, the question is: do they fulfil the preliminary threshold concerning the applicability of the 2015 Policy, and whether there has been strict adherence with the prescribed procedure by the DDA for the determination of claims in each of the present writ petitions? It is not in dispute that the 2015 Policy applies only to those JJ clusters which came into existence prior to 01.01.2006. Indeed, the statutory protection afforded under the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, mandates that no person residing in such JJ clusters, established before 01.01.2006, shall be evicted without provision of alternative housing. However, the necessary corollary aspect emanating from the above discussion is that JJ bastis/clusters which came up after 01.01.2006 but before 01.01.2015 do not fall within the protective umbrella of the DUSIB Act, and the dwellers of such post-2006 JJ clusters are not entitled to any relocation or rehabilitation under the 2015 Policy. In any case, JJ bastis/clusters established after 01.01.2015 are, *a fortiori*, excluded from consideration for the purposes of relocation or rehabilitation.

78. As stated hereinabove, the petitioners are those who claim that they have been residing on the upper floors of the subject jhuggis. Insofar as the set of petitioners who have directly approached this Court without exhausting the remedy of appeal before the Appellate Authority after rejection of their claims by the EDC, the same merits



outright rejection for the simple reason that this Court cannot go into the disputed questions of fact which arise in each case as to whether or not they were occupying the upper floors. The petitioners shall be at liberty to pursue appropriate legal remedies available in law, such as filing an appeal before the Appellate Authority.

79. To my mind, learned standing counsel for the DDA, Ms. Kritika Gupta, has rightly canvassed that the document that could identify the claimant as belonging to an independent family unit in respect of the upper floors could only be the ration card. In this perspective, the set of petitioners whose rehabilitation claims has been rejected by the EDC as well as the Appellate Authority on the ground that they have failed to produce a valid and separate ration card in their individual names also are not entitled to any relief from this Court.

80. Incidentally, there is no clear assertion on the part of this category of petitioners that the upper floors were constructed prior to the cut-off date of 01.01.2006 either. Be that as it may, the 2015 Policy renders these kind of petitioners' ineligible for rehabilitation, as the second-floor dwelling unit or the jhuggi jhopri is outrightly out of the ambit of the extant policy framework. The petitioners are unable to show any issuance of a separate Aadhar Card either in respect of the upper floor. The plea that, as the GNCTD has not been issuing any ration card since 2013, they should be considered eligible, cannot be countenanced in law. It is for the petitioners to prove that their occupation of the first floor was self-sustainable, having separate ingress or egress, which they miserably fail to establish on record. Consequently, the lead matter W.P.(C) 6225/2023 is hereby



dismissed.

81. It is, however, clarified that the set of petitioners whose claims have been dismissed by the EDC, shall be at liberty to pursue appropriate legal remedies available in law, such as filing an appeal before the Appellate Authority within six weeks, and the delay in filing the appeal shall be condoned. However, this liberty granted to these set of petitioners shall not stand in the way of the DDA from proceeding with the demolition action.

82. Insofar as the writ petitions that pertain to cases wherein the claims of the petitioners were rejected by the EDC, and the said rejection was upheld by the Appellate Authority upon the petitioners' preferring appeals, as explicitly envisaged under Part-B of the 2015 Policy, the decision of the Appellate Authority, once approved by the competent authority, attains finality and is binding. In the present cases, findings of fact have been duly recorded by the EDC, and the same have been affirmed by the Appellate Authority after providing due opportunity to the petitioners, including confronting them with videographic evidence of the site in question.

83. The bottom line is that findings of fact, duly arrived at by the designated authorities in accordance with the policy framework, cannot be reappreciated or interfered with in the exercise of writ jurisdiction under Article 226 of the Constitution of India, 1950. Hence, except for the liberty granted above, these set of writ petitions shall dismissed²¹.

CATEGORY:PART-B

²¹ Reference to Table Nos. 1 to 3.



84. A decision in this category of cases would not take long for this Court to decide, since, *a fortiori*, as per the 2015 Policy, the decision of the Appellate Authority, when approved by the competent authority is final and conclusive. However, under the 2015 Policy, once a finding has been rendered by the Appellate Authority, this Court is unable to find any power vested with the Competent Authority to reconsider the entire gamut of individual case and come to a different finding than what has been rendered by the Appellate Authority. Unhesitatingly, these are cases of patent jurisdictional errors on the part of the Competent Authority.

85. It may be indicated at this juncture that it was fairly conceded by the learned standing counsel for the DDA at the bar that the DDA is willing to reconsider such cases in accordance with law, and that the decisions in respect of those petitioners whose claims are found eligible by the Appellate Authority will be reviewed for consideration under the relocation and rehabilitation policy.

86. Accordingly, W.P.(C) 9870/2023 and those connected matters²² forming **Category: Part-B** are hereby allowed. A writ of mandamus is issued, thereby directing the Competent Authority to review, reconsider or recall their impugned decisions rejecting the claims of the present set of petitioners within six weeks, as per the 2015 Policy, and to proceed with their relocation and rehabilitation in accordance with law. The writ petitions are disposed of accordingly.

87. However, W.P.(C) 9014/2023 pertains to the matter wherein the petitioner was eligible and she was granted an alternative

²² Reference to Table No. 5.



accommodation on 21.09.2022, but since the payment for the allotment was not done, the DDA cancelled the allotment on 15.06.2023. A writ of mandamus is issued, thereby directing the Competent Authority to review, reconsider, or recall their cancellation order dated 15.06.2023 and accord a hearing to the petitioner in regard to the reason for non-payment for the allotment, within six weeks, as per the 2015 Policy. The writ petition is disposed of accordingly.

CATEGORY:PART-C

88. This category has been the most contentious one. Without further ado, it is pertinent to mention here that ‘2015 Policy’ came to be challenged before this Court in the case of **Udal (supra)**, particularly with regard to the conditions set out in Part B of the 2015 Policy. The petitioners were aggrieved by the stipulation that the name of the JJ dwellers must appear in at least one of the prescribed voter lists and that they must possess any one of the twelve documents mentioned in the Clause 2, Part B of the 2015 Policy.

89. It appears that some of the petitioners were aggrieved that the EDC had rejected their claims for being ineligible for any rehabilitation and relocation under the 2015 Policy, for the reason that their names did not appear in the electoral rolls of the years 2012, 2013, 2014, 2015 and 2016. Additionally, some of the petitioners were unable to produce any of the twelve documents mentioned in the Clause 2 of the Part B of 2015 Policy.

90. In the peculiar facts and circumstances of the case, the Court appointed a practicing Advocate of this Court as the Local Commissioner, with directions to entertain the claims of the



petitioners along with the relevant documents, accord them a hearing and then submit a report as to their *continuous possession* and occupation of their respective jhuggi prior to 01.01.2006. It was in the said background that the Division Bench of this Court observed as under: -

“40. We find that as per Clause 2 of PART - B of the R&R Policy, 2015, it has been mandated that the Jhuggi Jhopri dwellers must possess "any one" of the 12 documents. In the above cases, the Jhuggi Jhopri dwellers have produced multiple records ranging to periods in the late 1990s till date. In this view of the matter, the persons detailed in paras 37 and 38 above are clearly entitled to the benefit of the policy. We are of the view that the ineligibility letter dated 22nd December, 2016 by the respondents have been issued to these persons because of a disjoint reading of Clause 1(iii) and Clause 2 of PART - B of the policy. The same ought to be read together and a conclusion has to be drawn on a holistic consideration of the documents which are required to be filed detailed at Clause 1(iii) and Clause 2 of Part-B of the R&R Policy, 2015.”

91. During the course of arguments on 06.06.2025, this Court was apprised of a recent direction by the Division Bench of this Court headed by the Hon'ble Chief Justice in **Radhe Shyam Kori @ Radhe v. GNCT of Delhi**²³, wherein there was an issue of stay of the demolition of JJ clusters at Jailorwala Bagh, Ashok Vihar, Delhi, and the petitioners/parties were seeking *in situ* rehabilitation in term of the 2015 policy. It appears that the main prayer in the writ petition is for quashing and/or declaring Clause 1(iii) of Part B of 2015 Policy dated 11.12.2017 as arbitrary, illegal and unconstitutional. At this juncture, it may be noted that the petitioners therein are challenging the constitutional validity of the 2015 Policy, which is not the case in the

²³ W.P.(C) No.5568/2025 dated 02.05.2025



instant matters. The learned Judges in the Division Bench, after considering the entire gamut of the case, had occasion to pass the following interim order: -

“10. For considering the interim prayer, which is to be confined to the petitioners, we may refer to certain clauses of the Policy. The Government of National Capital Territory of Delhi promulgated the said Policy vide issuing an Order dated 11.12.2017. Under the said Policy, Delhi Urban Shelter Improvement Board has been appointed as Nodal Agency for relocation/rehabilitation of Jhuggi-Jhopri Bastis in respect of lands belonging to Municipal Corporation of Delhi and Government of National Capital Territory of Delhi or its departments/agencies. The Policy contains various parameters to declare as to who is eligible for rehabilitation or relocation. It also mandates that the Government of National Capital Territory of Delhi shall ensure that no Jhuggis came up after 01.01.2015. It also provides for in-situ rehabilitation of the eligible slum dwellers and states that the slum dwellers shall be provided alternate accommodation either on the same land or in the vicinity, within a radius of five kilometers. It also states that in certain exceptional circumstances, rehabilitation/relocation can take place beyond five kilometers with prior approval of the Board. Part-B of the said Policy prescribes the eligibility criteria for allotment of the alternative dwelling units for the purposes of rehabilitating and relocating the slum dwellers, according to which, the slum dweller must be a citizen of India and not less than 18 years of age, and that the Jhuggi-Jhopri Basti in which the slum dwellers are residing, must be in existence prior to 01.01.2006. The Policy further lays down a cut-off date for slum dwellers residing in the Jhuggi-Jhopri for becoming eligible for rehabilitation, which is 01.01.2015.

11. Clause-1 (i) of Part-B of the Policy prescribes one of the criteria for assessing the eligibility of slum dwellers for relocation, according to which the slum 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. Clause-2 of Part-B of the Policy provides that the slum dweller must possess any one of the following documents issued before 01.01.2015 to become eligible for allotment of a dwelling unit; (i) Passport, (ii) Ration Card with photograph, (iii) Electricity Bill, (iv) Driving License, (v) Identity Card/Smart Card with photograph issued by State/Central Government and/or its Autonomous Bodies/Agencies like PSU/Local Bodies (except



EPIC), (vi) Pass book issued by Public Sector Banks/ Post Office with photograph, (vii) SC/ST/OBC Certificate issued by the Competent Authority, (viii) Pension document with photograph such as Ex-serviceman's Pension Book, Pension Payment Order, Ex-serviceman widow/dependent certificate, old age pension order or widow pension order, (ix) Freedom Fighter Identity Card with photograph, (x) Certificate of physically handicapped with photograph issued by the Competent Authority, (xi) Health Insurance Scheme Smart card with photograph (Ministry of Labour Scheme) or (xii) Identity card with photograph issued in the name of the descendant(s) of the slum dweller from a Government school or Certificate with photograph issued by the Principal of a Government School mentioning therein that the descendant(s) of the slum dweller is/was the student of the school.

12. Thus, in our opinion a slum dweller, apart from being in possession of any one of the documents mentioned in Clause-2 of Part-B of Policy, should also be included in the voters lists as per the prescription available in Clause-1 (iii) of Part-B of the Policy.

13. **In the survey conducted by the respondents, the petitioners were found to be residents of the Jhuggi-Jhopri concerned, which is enlisted amongst one of the Jhuggi-Jhopris as notified by the Board. If we peruse, the Scheme what we find is that a slum dweller having being found to be residing in the Jhuggi upto a certain period is not enough to make him eligible for rehabilitation or relocation of dwelling unit. Apart from that, he also has to be in possession of one of the documents as spelt out in Para-2 of Part-B of the Policy and in addition thereto, he also needs to be enlisted in the voter list as per the prescription available in Clause-1 (iii) of Part-B of the Policy.**

14. The petitioners were not found eligible during the survey for allotment of a dwelling unit. The petitioners, however, challenged the said decision by filing an appeal which is provided in the Scheme itself before the Appellate Authority. The Appellate Authority has been constituted by the Delhi Urban Shelter Improvement Board. **The appeals filed by the petitioners have been decided by means of the separate orders passed on 19.09.2024, 25.11.2024 and 27.12.2024, whereby the claim put forth by the petitioners of being declared to be eligible for allotment of dwelling units under the Policy, has been declined on the ground that they could not fulfill the eligibility criteria as given in Clause-1 (iii) of Part-B of the Policy, that is to say, their names did not find place in the voter lists of the years mentioned in the said clause.**



15. Learned counsel for the petitioners has heavily relied upon a judgment of a Coordinate Bench of this Court, dated 01.08.2017, rendered in W.P. (C) 5378/2017, **Udal and Others vs. Delhi Urban Shelter Improvement Board and Others**, wherein the inter-play of the provisions of Clause-1 (iii) of Part-B of the Policy and the provisions contained in Clause-2 have been considered and it has been held that Clause-1 (iii) and Clause-2 of Part-B of the Policy have to be read conjointly and not dis-jointly. It has further been held that the petitioners in the said matter were entitled to the benefit of the Policy for the reason that they did possess anyone of the 12 documents listed in Clause-2 of Part-B of the Policy.

16. If we peruse this Scheme in its totality, what we find is that Part-B of the Scheme contains 06 clauses; Clause-1 provides “the eligibility criteria for allotment of alternative dwelling units to rehabilitate or relocate Jhuggi-Jhopri dwellers”. Clause-1, thus, lists the eligibility criteria, spelt out in sub-clauses (i) to (xi); Clause-2 of Part-B of the Scheme provides for a requirement of the slum dweller of being in possession of one of the documents listed therein; Clause-3 provides for Appellate Authority; Clause-4 provides for terms and conditions of allotment of alternative dwelling units; Clause-5 provides for maintenance of dwelling units after allotment; and Clause-6 authorizes the Chief Executive Officer of the Board to approve the operational guidelines keeping in view the overall scheme of the Policy.

17. If we examine Clause-1 and Clause-2 of Part-B of the Policy, in our view, provision of Clause-2 is in addition to Clause-1. The eligibility criteria has been given in Clause-1 and not in Clause-2. Thus, Clause-1 contains the eligibility criteria and those fulfilling the eligibility criteria as per Clause-1, have also to be in possession of one of the documents mentioned in Clause-2. In fact, in our reading of Clause-1 and Clause-2 together, what we find is that Clause-1 provides for the substantive eligibility criteria for assessing as to whether a particular slum dweller is eligible for allotment of a dwelling unit or not. We are also of the opinion that a slum dweller may be eligible for being allotted a dwelling unit or relocation, if he fulfills the criteria mentioned in Clause-1 and in addition thereto, he should also be in possession of one of the documents as set out in Clause-2.

18. With all respect at our command, we do not find ourselves in agreement with the observations made in paragraph 39 of the judgment in **Udal (Supra)** by the Co-ordinate Bench, which needs



to be reviewed by a Larger Bench. Para 39 of **Udal (supra)** is extracted below:

“39. We find that as per Clause 2 of PART – B of the R&R Policy, 2015, it has been mandated that the Jhuggi Jhopri dwellers must possess “any one” of the 12 documents. In the above cases, the Jhuggi Jhopri dwellers have produced multiple records ranging to periods in the late 1990s till date. In this view of the matter, the persons detailed in paras 37 and 38 above are clearly entitled to the benefit of the policy. We are of the view that the ineligibility letter dated 22nd December, 2016 by the respondents have been issued to these persons because of a disjoint reading of Clause 1(iii) and Clause 2 of PART – B of the policy. The same ought to be read together and a conclusion has to be drawn on a holistic consideration of the documents which are required to be filed detailed at Clause 1(iii) and Clause 2 of Part-B of the R&R Policy, 2015.”

19. In view of the aforesaid, let the record of this petition be placed before the Chief Justice for constitution of a Larger Bench for authentic pronouncement on the issue as to whether **Udal (supra)** lays down the correct law.

20. However, we may also observe that till the matter is decided by the Larger Bench, the law laid down in **Udal (supra)** rendered by the Coordinate Bench is binding.

21. Accordingly, we provide that till further orders, the dwelling units of the petitioners in Jailorwala Bagh JJ Cluster, Ashok Vihar, Delhi, shall not be demolished.

{Bold portions emphasized}

92. In the aforesaid backdrop, in the considered opinion of this Court, the rejection of the claims of the petitioners on the ground that their names were not found in the voter list for any of the years 2012 to 2015 and/or that the voter identity cards were found to be fabricated, are also such grounds which are beyond the writ jurisdiction of this Court and cannot be agitated in the supervisory



jurisdiction under Article 226 of the Constitution of India, 1950, vested with this Court. The plea that if a voter identity card was issued in the year 2010, it would be valid for five years, is a long shot and cannot be sustained. We have to understand the underlying objective of having such conditions under Clause 2 of Part B, which obviously means that the petitioner/claimant/JJ dweller has to show his *continuous residence, acclimatization, or assimilation* signifying his belonging to the NCT of Delhi. There is no presumption in law that once a voter identity card has been issued, it would be valid for five years.

93. It would be relevant to observe that the case law on the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Article 226 is replete with the proposition that a writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals; for instance, where orders are passed by inferior courts or tribunals without jurisdiction, or in excess of it, or as a result of failure to exercise jurisdiction. A writ can be issued where, in the exercise of jurisdiction conferred on it, the Court or Tribunal has acted illegally or improperly, for instance, where it decides a question without giving an opportunity to be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to the principles of natural justice.

94. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction, and the Court exercising it is not entitled to act as an Appellate Court. This limitation necessarily means that findings of fact reached by the



inferior Court or Tribunal as a result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. Avoiding the temptation to enter into a long academic discussion, it would suffice to refer to the decision of the Supreme Court in **Shankara Co-Operation Housing Society Ltd vs M. Prabhakar**²⁴, wherein it was held that: -

92. The High Court in its writ jurisdiction will not enquire into complicated questions of fact. The High Court also does not sit in appeal over the decision of an authority whose orders are challenged in the proceedings. The High Court can only see whether the authority concerned has acted with or without jurisdiction. The High Court can also act when there is an error of law apparent on the face of the record. The High Court can also interfere with such decision where there is no legal evidence before the authority concerned, or where the decision of the authority concerned is held to be perverse i.e. a decision which no reasonable man could have arrived at on the basis of materials available on record. Where an enquiry into complicated questions of fact is necessary before the right of aggrieved party to obtain relief claimed may be determined, the Court may, in appropriate cases, decline to enter upon that enquiry, but the question is always one of discretion and not of jurisdiction of the Court which may, in a proper case, enter upon a decision on questions of fact raised by the petitioner.

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97. Shri Ranjit Kumar, per contra, has placed reliance on the observations made by this Court in *State of Orissa v. Dr. Binapani Dei*: (AIR p. 1270, para 6)

“6. ... Under Article 226 of the Constitution the High Court is not precluded from entering upon a decision on questions of fact raised by the petition. **Where an enquiry into complicated questions of fact arises in a petition under Article 226 of the Constitution before the right of an aggrieved party to obtain relief claimed may be determined, the High Court may in appropriate cases decline to enter upon that enquiry and may refer the party claiming relief**

²⁴ (2011) 5 SCC 607



to a suit. But the question is one of discretion and not of jurisdiction of the Court.”

98. In *Gunwant Kaur v. Municipal Committee, Bhatinda*, this Court held as under: (SCC p. 774, para 14)

“14. ... The High Court, however, proceeded to dismiss the petition in limine. The High Court is not deprived of its jurisdiction to entertain a petition under Article 226 merely because in considering the petitioner's right to relief questions of fact may fall to be determined. In a petition under Article 226 the High Court has jurisdiction to try issues both of fact and law. Exercise of the jurisdiction is, it is true, discretionary, but the discretion must be exercised on sound judicial principles. When the petition raises questions of fact of a complex nature, which may for their determination require oral evidence to be taken, and on that account the High Court is of the view that the dispute may not appropriately be tried in a writ petition, the High Court may decline to try a petition.”

95. In view of the aforesaid proposition of law, reverting back to the instant matter, the mere fact that some of the petitioners were holding voter identify cards for the preceding years prior to the year 2012 is hardly of any consequence, once we reiterate that the conditions in Clause 1 and Clause 2 of Part B of 2015 Policy are to be read conjointly, meaning thereby that apart from satisfying the requirement of possessing any one of the twelve documents, the next eligibility criteria must also be fulfilled, i.e., the petitioner/claimant must be an eligible voter and must possess a voter identity card for the relevant years, i.e., 2012 to 2015.

96. Although a decision on the issue of twin requirement of fulfilling conditions in Part B of the 2015 Policy is pending before the Larger Bench, nothing precludes this Court from deciding the present matter, since it is pertinent to mention that the decision in the case of



Udal (supra) was rendered in the background where there was no EDC and/or Appellate Authority to consider the claims of the petitioners/JJ dwellers therein. The said decision is clearly distinguishable, rendered in the absence of such framework of the *quasi-judicial* authorities, and it took the Court appointed Local Commissioner almost six months to submit a report, which then led to the passing of the decision by the Coordinate Bench.

97. The sum and substance is that the writ petitions under this category have to be considered in light of 2015 Policy, and the conditions of which have clearly been explained hereinbefore. As a result, this Court has no hesitation in dismissing the present bunch of writ petitions wherein the rejection of the claims of the petitioners is based on their not having voter identity cards for any of the years 2012 - 2015.

98. Accordingly, the writ petitions forming part, which are mentioned in *Table No. 4* are hereby dismissed. Accordingly, all pending applications stands dismissed.

CATEGORY: PART-D

99. In the present category too, once a finding has been rendered by the EDC and approved by the Appellate Authority, or for that matter, it has been found that one allotment has already been made in respect of the same jhuggi to another eligible person, the petitioners cannot be allowed to agitate the disputed question of facts before this Court in writ jurisdiction. Whether allotment to the other eligible person has been correctly done or not is something which would require the leading of oral and documentary evidence and, eventually, its



appreciation or examination, which cannot be done in the writ jurisdiction.

100. Accordingly, the writ petitions forming part, which are mentioned in *Table No. 6* are hereby dismissed. Accordingly, all pending applications stands dismissed.

CATEGORY: PART -E

101. In the present category, it is but manifest that the Appellate Authority has taken into account all the documents submitted by the petitioner, as well as relied upon all the video clippings, and came to the conclusion that the jhuggi of the petitioner was used for Residential-cum-Commercial purposes, and hence, the petitioner was held to be eligible under the 2015 Policy for an alternative allotment. However, under the 2015 Policy, once a finding has been rendered by the Appellate Authority, this Court is unable to find any power vested with the Competent Authority to reconsider the entire gamut of the case or to deny the alternative allotment and come to a different finding than what has been rendered by the Appellate Authority. Unhesitatingly, this is a case of patent jurisdictional errors on the part of the Competent Authority.

102. Accordingly, W.P.(C) 1854/2024 is allowed and the DDA is directed to proceed with the allotment of an alternative dwelling to the petitioner within six weeks, as per the 2015 Policy. Accordingly, the present writ petition is disposed of accordingly. The petitioner, however, has prayed for a compensation, which however is declined by this Court. The relief granted is only limited to the allotment of an alternative dwelling.



FINAL DIRECTIONS/ORDERS

103. The sum and substance of the aforesaid discussion is that the writ petitions are not only flawed due to the misjoinder of multiple parties with multiple causes of action but also fail to meet the essential threshold provided by the 2015 Policy for being considered eligible for relocation and rehabilitation. None of the petitioners have any legal right to continue occupying the JJ cluster incessantly, to the detriment of the public at large.

104. Accordingly, the writ petitions falling under **Categories: Parts A, C, and D** are dismissed, except for the relief granted to the set of petitioners who fall under **Category: Part-B**, referred to hereinabove. The DDA shall be at liberty to proceed with the demolition action in accordance with law.

105. The writ petition falling under **Category: Part E** is hereby allowed with a direction to the DDA to proceed with the alternative allotment of the petitioner.

106. As far as **W.P.(C) 9040/2023** is concerned, learned counsel for DDA, Ms. Kritika Gupta, has submitted that the petitioner's name does not appear in the Survey List of October 2019. This Court has already dealt with a batch of petitions involving similarly placed petitioners whose names were not found in the 2019 Survey List. Those petitions were dismissed by this Court by the judgment dated 26.05.2025 in W.P.(C) 6312/2023, titled "**Govinda & Ors. v. Government of NCT of Delhi & Anr.**". The present writ petition is squarely covered by the said judgment. Accordingly, the writ petition is dismissed.



2025:DHC:4918



107. Before drawing the curtains finally down on these matters, this Court expresses its deep appreciation for the meticulous compilation of details in each of the instant writ petitions by Ms. Kritika Gupta, along with legal researchers Ms. Sudeshna Singh and Mr. Saksham Gupta, without which it would have been extremely difficult to render this common judgment. The compilation has been shared with all the counsel appearing for the petitioners without any reservations.

DHARMESH SHARMA, J.

JUNE 6, 2025

Sadiq/SS/Ch