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

Date of Decision: 23rd April, 2025

+ **W.P.(C) 8035/2024 & CM APPLs.52659-60/2024, 52780/2024, 52897/2024, 59162-63/2024, 59345-46/2024, 61322/2024, REVIEW PET. 373/2024**

SHABNAM BURNEY

..... Petitioner

Through: Ms. Vrinda Grover, Mr. Prasanna J.,
Ms. Rupali Samuel, Ms. Devika
Tulsiani & Mr. Soutik Banerjee, Advs.
(M: 9953585631)

versus

UNION OF INDIA& ORS.

..... Respondents

Through: Mr. Parvinder Chauhan, Sr. Adv. with
Ms. Aakriti Garg, Advs. for DUSIB
Mr. Tushar Sannu, Mr. Shivam and
Mr. Aman Kumar, Advs. for MCD.
Ms. Prabhsahay Kaur (Standing
Counsel DDA), Ms. Deeksha L. Kakar
(Panel Lawyer, DDA), Mr. Aditya
Verma, Adv., Ms. Kavya Shukla,
Adv., Mr. Rashneet Singh, Ms. Sana
Parveen Adv. Officers Present:
Harish Chandra Sharma (Deputy
Director PMAY), Vishwajeet Gahlot
(AD PMAY). (M: 9313119255)
Mr. Sumit K. Batra, Adv. for GNCTD.
Mr. A.K. Mishra, Adv. with MLA
Tarvinder Singh Marwah.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. On the previous date of hearing *i.e.*, 28th March, 2025 the Court, upon



hearing the parties, had issued the following directions:

- (i) The Delhi Development Authority (hereinafter 'DDA') shall conduct a draw of lots for the 189 eligible *Jhuggi Jhopdi* Dwellers (hereinafter '*JJ Dwellers*' or '*allotees*') and allot them EWS Flats in terms of Delhi Slum & JJ Rehabilitation and Relocation Policy dated 14th June, 2016 (hereinafter '*DUSIB Policy*'). The DDA was also directed to file a status report in this regard;
- (ii) The Delhi Urban Shelter Improvement Board (hereinafter '*DUSIB*') to file a report in respect of making available facilities to the JJ dwellers in terms of paragraph (vii) of the *DUSIB Policy* dated 14th June 2016.

3. Pursuant to the above directions, the DDA has filed a report stating that the draw of lots was conducted and 189 flats were allotted, however, the allottees are not coming forward to take the allotment.

4. Insofar as DUSIB is concerned, a status report dated 17th April, 2025 has been placed on record stating that a meeting with various authorities such as Delhi Jal Board, Directorate of Education (GNCTD), Municipal Corporation of Delhi, Directorate of Health (GNCTD), Public Works Department, Kendriya Bhandar, Delhi Transport Corporation *etc.*, was convened on 15th April, 2025 under the Chairmanship of Chief Secretary Government of NCT of Delhi. The minutes of the said meeting has been placed on record noting that various facilities in terms of the policy such as schools, medical centres, RO water supply, sewage systems, and bus connectivity are available in the vicinity of the flats/accommodation at Narela. The said minutes of the meeting read as under:



“ **MINUTES OF MEETING**

Minutes of meeting held on 15.04.2025 under the Chairmanship of Chief Secretary of Govt. of NCT of Delhi in pursuance of the order of the Hon'ble High Court of Delhi dated 28.03.2025 in WP(C) No. 8035/2024 in the matter of “ Shabnum Burney Versus UoI & others”.

The list of Officers attended the meeting is attached.

Hon'ble High Court in W.P. (C) No. 8035/2024 in the matter of Shabnum Burney Versus UoI & others directed that in terms of the 14th June, 2016 Protocol, DUSIB shall provide suitable facilities to arrange for the education and health including making available Kendriya Bhandar Store accessibility, in the near vicinity as also transportation facilities as per its policy.

The protocol was issued by DUSIB on 14.06.2016, prepared in compliance of orders of Hon'ble High Court in W.P. (C) No. 11616/2015 after discussion in the meeting held on 20.01.2016 wherein DDA was also present. As per guiding principles, the Protocol shall be followed by all the agencies in the events of any actions for removal of jhuggi s and JJ bastis.

During the meeting, the Director of Education, GNCTD and representative of MCD informed that they have sufficient number of schools in the vicinity. They requested for list of students to be accommodated. The joint survey list of JJ Basti Madrasi camp which contains details of all household members including children shall be shared immediately by DUSIB over e-mail with both the departments.

The representative from Directorate of Health informed that they already have the health centres in the vicinity which will take care of the allottees of Madrasi Camp also.

The representative from Kendriya Bhandar informed that they are willing to provide the Kendriya Bhandar in the vicinity and assured to request DDA for providing suitable space for Kendriya Bhandar, subject to their feasibility study of the area. DDA representative informed that even otherwise, there are markets in



proximity of the allotted flats.

The M.D., DTC informed that there are 37 bus routes already existing in this area and are sufficient to cater the needs of increased no. of commuters.

The representative from DDA and Delhi Jal Board informed that there already exists RO water supply in the vicinity and also sewage facilities and STP is connected with the area. The representative from DDA also informed that they have already allotted EWS flat to more than 350 JJ dwellers in same housing complex in Narela.

After detailed deliberations, it was decided that all the concerned Departments/ Authorities shall ensure the respective facilities are made available in Narela relocation site of DDA.

It was also noted that Hon'ble High Court has observed in para 21 of the order dated 28.05.2025 that "owing to the fact that the monsoon is also likely arrive in next 2 to 3 months in Delhi, it is absolutely essential that the Barapullah drain is cleared up prior to the monsoon so that the water logging can be avoided in Delhi area can be avoided to the extent possible". As such, PWD was directed to take requisite measures for removal /relocation alongwith DDA at the earliest, with support of District Administration and local Police.

Meeting ended with vote of thanks to the chair."

5. It is also noticed that a counter affidavit in response to the report has been filed by one of the JJ Dwellers raising certain allegations regarding the availment of EWS flats to the JJ Dwellers at Narela.
6. Ms. Grover, Id. Counsel on behalf of the JJ Dwellers, based on the said counter affidavit, makes the following submissions:
 - i. The allottees did not come forward to take up the allotment because a sum of Rs. 1,12,000/- is being demanded from each of the allottees *vide* the allotment letter. This aspect was neither brought to the attention of the Court nor disclosed to the JJ dwellers during



- any of the previous hearings in this petition. This was the reason why even the eligible JJ dwellers were hesitant to obtain the possession certificates. Notably, the DDA's report remains silent on this issue. This shows a lack of coordination between the submissions being made by the DDA and DUSIB. The JJ Dwellers are not in a financially viable position to furnish the demanded amount within a short period of notice.
- ii. The report submitted by DUSIB, apart from making a general assertion regarding the availability of schools, lacks specificity and fails to provide concrete details pertaining to the nature, location, or accessibility of the said schools in the vicinity of the allotted flats.
 - iii. As per the statements of the other residents who have already shifted to the EWS flats at Narela, it is evident that other essential facilities such as water supply and sewage systems, electricity *etc.*, mandated under the *DUSIB policy*, have not been adequately provided till date.

7. In these circumstances, Ms. Grover Id. Counsel for the JJ dwellers prays that instead of flats in Narela, the DUSIB should make available flats in Dwarka which they have said are available in another unconnected petition being *W.P.(C) 9470/2022*. Alternatively, it is prayed that the Court shall direct the DDA and the DUSIB to take coordinated action to provide all the facilities promised in terms of paragraph (vii) of the *DUSIB policy* before shifting of the families of eligible JJ Dwellers.

8. Today, a number of *Madrasi Camp* residents are present in the Court and upon being enquired their primary concerns are two-fold. One that the



Madras Camp families' children presently study in the Delhi Tamil Education Association School (hereinafter '*DTEA schools*') located on Lodhi Road where Tamil is being taught. Secondly, there are no good schools near Narela and the distance of between the flats at Narela and the nearest school is considerable. They also have a concern about transportation.

9. In response, Mr. Chauhan, learned Senior Counsel appearing for DUSIB, in agreement with Ms. Prabhsahay Kaur, learned Counsel appearing for the DDA, submits that a combination of government and private schools are available within a radius of 1 to 6 kilometres from the EWS flats. These include both primary and senior secondary schools, the list of which is as under:

- i. Bharat Mata Saraswati Bal Mandir, 1.9 km (Approximate 04 minutes)
- ii. Maharaja Aggarsain Public School, 2.3 km (Approximate 05 minutes)
- iii. Daffodil Public School, 2.8 km (Approximate 07 minutes)
- iv. Summerdales Public School, 3.1 km (Approximate 06 minutes)
- v. Govt. Girls Sr. Sec. Higher School, 4 km (Approximate 10 minutes)
- vi. Sarvodaya Kanya Vidyalaya No. 02 School, 4.2 km (Approximate 11 minutes)
- vii. New Happy Public School, 4.5 km (Approximate 13 minutes)
- viii. Mussadi Lal Govt. Boys Sr. Sec. School, 6.1 km (Approximate 12 minutes)
- ix. Sarvodaya Bal Vidyalaya, 6 km (Approximate 12 minutes)
- x. Kasturi Ram International School, 4.3 km (Approximate 07 minutes)
- xi. DAV Centenary Public School, 5.6 km (Approximate 10 minutes)



- xii. Govt. Co-ed Sr. Sec. School, 3.9 km (Approximate 10 minutes)
 - xiii. Mansa Vidya Peeth, 2.9 km (Approximate 07 minutes)
 - xiv. MCD Primary School, 3 km (Approximate 08 minutes)
 - xv. Govt. Girls Sec. School, 3.2 km (Approximate 08 minutes)
 - xvi. M.R. Genius Kids Play School, 3 km (Approximate 08 minutes)
 - xvii. Govt. Co-ed Sr. Sec. School, 4.1 km (Approximate 11 minutes)
 - xviii. Govt. Boys St. Sae. School, 3.4 km. (Approximate 11 minutes)
10. Mr. Chauhan, relying on this list, submits that some of the schools herein are Government schools and all the children would be accommodated in these schools.
11. Insofar as the payment of Rs. 1,12,000/- is concerned, both the Counsels of DUSIB and DDA, under instructions, submit that the payment of the said amount is, in fact, a part of the *DUSIB Policy* placed on record by the Applicant/JJ dwellers and is also publicly available. Under these circumstances, it is submitted that the residents of *Madrasa Camp* residents cannot be fully exempted from payment of the amount of Rs. 1,12,000/- as it is the policy.
12. Ms. Grover, Id. Counsel for the JJ dwellers, in this regard, submits that if the payment is to be insisted then the allotment of the alternative flats should be within 5 kms as the provision 2(a)(iii) of the *DUSIB Policy*.
13. Heard the parties. The *Madrasa Camp* residents presently live in tenements which are temporary structures encroached upon the Barapulla drain. There can be no doubt that the Barapulla drain has to be cleared prior to the monsoon in order to avoid waterlogging in Delhi.
14. Firstly, in relation to the submission regarding the alleged lack of facilities in the EWS flats at Narela, the DDA has placed before the Court a



video recording of a completed unit, which depicts a properly constructed 1BHK flat comprising a room, kitchen, and bathroom. It is further informed that approximately 350 persons are currently residing in the said complex of flats. Accordingly, this Court is of the *prima facie* view that the amenities provided therein appear to be adequate. In case upon shifting, if the dwellers face the same difficulties, the same would have to be resolved by DUSIB. Moreover, it has been assured by DUSIB that the flats would be finished with fittings and fixtures once the allottees come forward.

15. Secondly, insofar as the schools are concerned, as per the residents of *Madras Camp*, there are a total of 188 children studying in DTEA school and 68 children studying in other schools, thus, there would be a total of 256 children. All these children would have to be accommodated in the Narela area schools where the flats have been allotted. The list of schools has also been perused which shows that there are a combination of various private schools and Government schools within 1 to 6 kms radius.

16. Insofar as the payment of Rs.1,12,000/- is concerned, the relevant provisions of the *DUSIB Policy* are as under:

“2. Keeping the above principles in mind, GNCTD announces the following policy for rehabilitation and relocation of JJ basti.

(a) Nodal Agency

The Delhi Urban Shelter Improvement Board (DUSIB) shall act as the Nodal Agency for implementation of this policy as per the mandate given to it under the provisions of Delhi Urban Shelter Improvement Board Act, 2010

(iii) In-situ rehabilitation

DUSIB shall provide alternate accommodation to those living in JJ Bastis, either on the same land or in the vicinity within a radius of 5 Km. In case of exceptional



circumstances, it can be even beyond 5 Km with prior approval of the Board. The terms and conditions at which alternate accommodation will be provided and the eligibility conditions are being separately notified.”

4. Terms and conditions of Allotment of alternative Dwelling Unit

(i) **The contribution of the beneficiary will be Rs.1,12,000/- per dwelling unit having the carpet area of 25 sq. mtrs (The contribution may slightly vary on case to case basis depending upon the actual carpet area of the dwelling unit). In addition, the beneficiary will be required to pay an amount of Rs.30,000/-at the time of the allotment of the dwelling unit, towards the cost of maintenance for a period of 5 years.**

(ii) The dwelling unit shall be allotted to the eligible JJ dweller for a period of 10 (ten) years on lease hold basis after which it will be converted into free-hold as per the prevalent policy (this is in supersession of the earlier leasehold period of 15 years as notified in the guidelines of 2013).

(iii) Allotment will be made in the joint-name of the husband and wife occupying the jhuggi.

(iv) The allottee shall not sublet or part with possession of the dwelling unit, by way of General Power of Attorney or any other document. The DUSIB will have the right to verify the veracity of the original allottee through Bio-metric survey using Aadhar data-base or otherwise. In case a different person (s)/family is found living at the time of survey in the dwelling unit, the allotment/lease is liable to be cancelled and DUSIB will have the right to re-enter the dwelling unit.

(v) **DUSIB may assist those beneficiaries who are not able to arrange the contribution to avail loans from banks/ financial institutions including co-operative banks.**”

(Emphasis Supplied)



17. A perusal of the above makes it clear that the payment is in fact provided for in the *DUSIB Policy* which is made public. Likewise, the stipulation of a 5-kilometre radius for providing alternate accommodation is not an absolute condition. Provision of accommodation beyond this limit would be permissible in exceptional circumstances.

18. In light of the above circumstances, the Chief Secretary, Government of NCT of Delhi, is directed to convene a meeting with ten eligible representatives/residents of *Madrasa Camp*, and all concerned authorities, with a view for arriving at an amicable resolution on the following issues:

- (i) Whether any concession or monthly instalment scheme can be extended to the JJ dwellers for payment of ₹1,12,000/- as stipulated under the *DUSIB policy*;
- (ii) The mechanism for ensuring smooth transition and admission of children from JJ Dweller families into appropriate schools, including DTEA Schools, if any, located in proximity to the accommodation at Narela. If a survey is required to be conducted for ascertaining the choice of schools etc., the same may also be discussed, with strict timelines considering the fact that the new academic year in schools is about to begin
- (iii) Availability and adequacy of transportation facilities in the vicinity of the relocated accommodation for commuting to schools, workplaces, and for other essential purposes;
- (iv) The procedure and timelines to be followed for removal and/or demolition of structures that have been constructed across the Barapullah drain, considering the arrival of the monsoon.

19. Let a report on the next date of hearing.



20 The meeting shall be held by the **Chief Secretary on 1st May 2025** with the following persons/authorities:

- Ten representatives of the *Madrasī Camp*, who are eligible allottees shall represent all the residents therein;
- Delhi Urban Shelter Improvement Board;
- Delhi Development Authority;
- Delhi Jal Board;
- Municipal Corporation of Delhi;
- Public Works Department (GNCTD);
- Irrigation & Flood Control Department;
- Directorate of Education (GNCTD);
- Delhi Transport Corporation;
- Directorate of Health (GNCTD).
- Any other relevant authority as the Chief Secretary may determine.

The residents of the *Madrasī Camp* shall be informed by the DUSIB officials.

21. List on 9th May, 2025.

PRATHIBA M. SINGH
JUDGE

MANMEET PRITAM SINGH ARORA
JUDGE

APRIL 23, 2025

dj/Ar.