



2026:DHC:4145



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

BEFORE

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

+ **W.P.(C) 17239/2025, CM APPL. 14197/2026, CM APPL.**

14556/2026, CM APPL. 28102/2026

MRS. KHUSHNUMA KHAN AND OTHERS

....PETITIONERS

(Through: Mr Pankaj Sinha, Ms Garima, Mr. Sunil Tiwari, Advocates.)

VERSUS

UNION OF INDIA AND OTHERS

....RESPONDENTS

(Through: Mr.Chetan Sharma ASG, Mr. Syed Abdul Haseeb CGSC With Ms.Nasreen Khatoon G.P for Union Of India and Mr. Muhammad Aamir Khan and Mr. Syed Abdur Rahman, Mr Piyush Gupta CGSC, Mr Atishay Jain, Mr. Vishesh Goel for UOI. Mr. Shrey Sharawat, SPC, along with Mr. Himanshu Sihag, Advocates for R-1 and 2 Mr. Anuj Chaturvedi, Ms. Richa Dhawan, Ms. Yashita Jain (Advocates) with Sh. P. K. Jha (Principal Director) and Pranav Siroha (LA) for DUSIB. Ms. Meenakshi Advocate for DUSIB.)

AND

+ **W.P.(C) 2943/2026 and CM APPL. 14195/2026**

RAKESH BANSAL AND OTHERS

...PETITIONERS

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(Through: Mr. Sandeep Sharma, Sr. Adv., Mr. Javed and Ms. Kavya Dauk, Advocates.)

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

(Through: Mr. Chetan Sharma ASG, Mr. Syed Abdul Haseeb CGSC With Ms. Nasreen Khatoon G.P for Union Of India and Mr. Muhammad Aamir Khan and Mr. Syed Abdur Rahman, Mr Piyush Gupta CGSC, Mr Atishay Jain, Mr. Vishesh Goel for UOI. Mr. Shrey Sharawat, SPC along with Mr. Himanshu Sihag, Advocates for R-1 and 2

Mr. Anuj Chaturvedi, Ms. Richa Dhawan, Ms. Yashita Jain (Advocates) with Sh. P. K. Jha (Principal Director) and Pranav Siroha (LA) for DUSIB. Ms. Meenakshi Advocate for DUSIB.)

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Reserved on: 27.04.2026

Pronounced on: 11.05.2026

J U D G M E N T

INDEX

I. CASE HISTORY	3
II. SUBMISSIONS	5
III. ANALYSIS	7
A. VIOLATION OF RIGHTS UNDER ARTICLE 21 OF THE CONSTITUTION.....	8
B. VIOLATION OF LAW/GOVT. POLICY	12
(i) Supreme Court directions in Re: Directions.....	12
(ii) Government Policy	14
III. CONCLUSION	25

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The petitioners in both these petitions are residents of ‘Bhai Ram Camp’, ‘DID Camp’, and ‘Masjid Camp’ (**present camps**). The petitioners are aggrieved by the respondents’ action insofar as they seek to evict them from the present camps and relocate them to alternate accommodation at Savda Ghevra, Delhi (**alternate accommodation**).

2. W.P. (C) 17239/2025 (Khushnuma Khan’s petition) is by Mrs. Khushnuma Khan and twenty-eight other petitioners, whereas, W.P. (C) 2943/2026 (Rakesh Bansal’s petition) is by Mr. Rakesh Bansal and three hundred and twenty-eight other petitioners. The lead matter, Kushnuma Khan’s petition, was filed earlier, seeking the setting aside of eviction notice dated 29.10.2025, whereby, the petitioners were directed to vacate the present camps without being offered any alternative accommodation. Subsequent to the filing of the petition, however, the respondents have decided to relocate the petitioners to the alternate accommodation and have issued notices dated 19.02.2026 and 27.02.2026 directing the petitioners to obtain allotment letters for the flats at the alternate accommodation. In Rakesh Bansal’s petition, this subsequent decision of the respondents is assailed.

I. CASE HISTORY

3. On 13.11.2025, the Court issued notice to the respondents and also directed that the petitioners shall not be evicted without adhering to the procedural safeguards laid down by the Supreme Court in *Re: Directions in the matter of demolition of structures*.¹

¹ 2024 SCC OnLine SC 3291



4. The authorities have, thereafter, decided to relocate inhabitants of the present camps to the alternate accommodation, as approved on 29.01.2026 at its 4th Meeting by the High Powered Committee (HPC) constituted as per the directions of a Division Bench of this Court in *Court on its own motion v. Union of India and Ors.*² The HPC was constituted to facilitate proper utilisation of housing units constructed under various Government-schemes.

5. Challenging notices issued pursuant to this decision, Rakesh Bansal and others filed their petition. Khushnuma Khan and others filed C.M. Appl 14197/2026 seeking directions to the respondents to refrain from taking any coercive action.

6. Both matters were listed before the predecessor Bench on 03.03.2026 and the petitioners submitted that they were being directed by the respondents to vacate their homes by 06.03.2026, without complying with the requirements as per *Re: Directions*. Considering the circumstances and the short time period for vacating, the Court extended the deadline up to 11.03.2026 and listed the matter before this Bench on 10.03.2026. It was also observed that considering alternate accommodation was being offered, *prima facie*, the eviction didn't seem to be in contravention of the directions.

7. The parties were, thereafter, heard on 16.03.2026, 18.03.2026, 20.03.2026, 24.03.2026, and 30.03.2026. On the last date, the matter was reserved for judgment. The respondents then filed applications to bring on record, the minutes of DUSIB's meeting dated 09.04.2026, whereby formal approval was accorded for relocation of the residents of the present camp to the alternate accommodation, as well as notice dated 08.04.2026 for the said

²Order dated 18.09.2023 in W.P. (C) 9470/2022

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meeting. The said applications were listed on 20.04.2026 and 27.04.2026. Arguments were further heard and the cases were re-reserved on 27.04.2026.

8. At the outset, it is seen that the petitioners have not opposed the application for taking on record the aforesaid documents. They, however, contend that the documents would not have any effect on the outcome of the petition. Even otherwise, the documents sought to be brought on record relate to subsequent developments and they are being filed without any delay on the part of the respondents. Further, C.M. Appl No. 25701/2026 filed by the respondents in Rakesh Bansal's petition for the said purpose had been allowed by the Court *vide* order dated 20.04.2026. In view thereof, even I.A. 28103/2026 in Khushnuma Khan's petition deserves to be allowed.

II. SUBMISSIONS

9. Mr. Sandeep Sharma, learned senior counsel, and Mr. Pankaj Sinha, learned counsel, have advanced the following submissions on behalf of the petitioners:

9.1. The rehabilitation of the petitioners is in contravention of the applicable policy insofar as several procedural requirements have not been adhered to.

9.2. The proposed alternate accommodation is situated far away from the present camps without specifying any reason for the same. As per the applicable policy, rehabilitation ought to be *in-situ* and only in exceptional circumstances, it may be beyond a 5 kilometer radius of the present camps.

9.3. There is no urgency shown by the respondents for taking the impugned action, despite the livelihood of the petitioners being put in great



danger. They submit that the petitioners are working as drivers or domestic workers in the vicinity of the present camps. If they are shifted beyond a reasonable distance, the same would definitely affect their right of livelihood.

9.4. Education and health facilities are not available at the proposed site of shifting. The same would lead to drop out from schools amongst the children of the petitioners. Further, there is no sewage treatment at the proposed site of shifting.

9.5. Rehabilitation is not an act of charity, but the petitioner's right, under the Constitution of India.

9.6. In any event, the respondents are obliged to comply with the procedural safeguards laid down by the Supreme Court in *Re: Directions in the matter of demolition of structures*. In terms thereof, each occupant is entitled to a specific show cause notice, reasonable time to submit a reply, personal hearing, and a reasoned order prior to eviction.

10. Mr. Chetan Sharma, learned Additional Solicitor General, and Mr. Syed Abdul Haseeb and Mr. Anuj Chaturvedi, learned counsel, made the following submissions on behalf of the respondents:

10.1. The petitioners have now been deemed eligible for rehabilitation at the alternate accommodation. Therefore, the petitions are rendered infructuous. A joint survey had been conducted in the year 2024 by Land and Development Office (**L&DO**) and the Delhi Development Authority (**DDA**). Upon assessment, five-hundred and eighteen dwellers were found to be eligible and one hundred and eighty-four dwellers ineligible for relocation as per the Delhi Slum and JJ Rehabilitation Policy, 2015 framed



by DUSIB (**DUSIB Policy**). However, subsequently, it was decided that all the residents of the present camps would be rehabilitated.

10.2. Pursuant to this decision, the impugned rehabilitation notice dated 19.02.2026 was pasted on the walls of the respective *jhuggis* over a period of two days, i.e., 19.02.2026 and 20.02.2026. Help desks were also set up at the present camps to enable dwellers to raise grievances over the course of these two days. The policy requirements with respect to financial contribution of the petitioners have been eased out substantially and the same would be covered by the Union.

10.3. Some residents of the present camps have accepted allotment letters, while some have even taken possession of the flats and have applied for electricity meters. Further, the alternate accommodation has a sewer line, water line, MCD Dhulao Ghar, and well developed parks and roads.

10.4. The decision to relocate the petitioners to the alternate accommodation was taken with the approval of the HPC which was constituted for the purpose of overseeing the allocation of housing units under various Government Schemes. Subsequently, formal approval of DUSIB has also been obtained.

10.5. The decision to evict the residents of the present camps have been taken considering the strategic location and with a view to strengthen defence infrastructure.

III. ANALYSIS

11. The case of the petitioners revolves around the argument that the impugned action is in violation of their right to life under Article 21 of the Constitution of India. They also contend that the respondents have not



followed the procedure as per the applicable DUSIB policy and the 'Draft Protocol for removal of *Jhuggis* and *JJ Bastis* in Delhi' (**DUSIB Protocol**).

12. Therefore, the following questions arise for consideration of the Court. Whether the impugned action is violative of the petitioners' fundamental rights, and whether the impugned action is in contravention of law/Government policy.

A. VIOLATION OF RIGHTS UNDER ARTICLE 21 OF THE CONSTITUTION

13. The petitioners' case is that their forefathers have been living in the present camps and had established their lives around this location. They earn their livelihood by working as domestic labourers and in other blue-collar jobs in nearby places and their children are also studying in nearby educational institutions. According to them, the alternate accommodation is far away from their workplaces and schools and therefore, would negatively impact their right to life under Article 21.

14. In response to this contention the respondents submitted that the following amenities are available at the alternate accommodation as on date:

A. Sewer line: Already laid inside EWS Housing at Savda Ghewra and temporary connected with the Septic Tank. Sewerage Treatment plant (S.T.P.) is under construction.

B. Water line: Already laid inside EWS Housing at Savda Ghewra and UGR (Under Ground Reservoir) is also functional and connected with the DJB water line.

C. MCD Dhalaoghar: Also available in this housing area.

D. Well-developed parks and roads: Already available."

15. However, the aforesaid available amenities do not specifically address the grievances raised by the petitioners with respect to their livelihood and educational prospects. The petitioners have a fundamental right to adequate



and reasonable shelter under Article 21 of the Constitution of India. The respondents, therefore, ought to ensure that the necessary amenities are made available to the petitioners at the alternate accommodation.

16. It is settled law that the right to life under Article 21 of the Constitution of India does not connote mere animal existence but envisages a right to lead life with dignity. The Supreme Court, in *Olga Tellis and Ors. v. Bombay Municipal Corporation and Ors.*,³ has held that the right to livelihood is intricately connected to the right to life under Article 21, and has held as follows:

“Two conclusions emerge from this discussion: one, that the right to life which is conferred by Article 21 includes the right to livelihood and two, that it is established that if the petitioners are evicted from their dwellings, they will be deprived of their livelihood. But the Constitution does not put an absolute embargo on the deprivation of life or personal liberty. By Article 21, such deprivation has to be according to procedure established by law. In the instant case, the law which allows the deprivation of the right conferred by Article 21 is the Bombay Municipal Corporation Act, 1888, the relevant provisions of which are contained in Sections 312(1), 313(1)(a) and 314.”

17. Further, in *Shantistar Builders v. Narayan Kaimalal Totame*,⁴ the Supreme Court has highlighted the need for adequate and suitable shelter, in the context of Article 21 of the Constitution. The relevant portion of the decision is extracted below, for reference:

“9. Basic needs of man have traditionally been accepted to be three food, clothing and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body; for a human being it has to be a

³1986 AIR 180,

⁴(1990) 1 SCC 520

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suitable accommodation which would allow him to grow in every aspect physical, mental and intellectual. The Constitution aims at ensuring fuller development of every child. That would be possible only if the child is in a proper home. It is not necessary that every citizen must be assured of living in a well-built comfortable house but a reasonable home particularly for people in India can even be mud-built thatched house or a mud-built fireproof accommodation."

18. Further, in ***Chameli Singh v. State of U.P.***,⁵ the Supreme Court upheld the acquisition of land by the Government for developing housing units for the poor. The landowners had challenged the said action on the ground that they depended on their land for their livelihood, and therefore, the impugned action was violative of their fundamental rights. The Court held that the acquisition was justified considering that it was for providing housing to the poor in recognition of their right to shelter.

19. In ***Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan***,⁶ the Supreme Court was faced with the question of whether the respondents, who were pavement dwellers, were liable to ejection action and whether the principles of natural justice had to be followed in the process. The Court answered the said questions as follows:

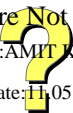
"It would...be clear that though no person has a right to encroach and erect structures or otherwise on footpath, pavement or public streets or any other place reserved or earmarked for a public purpose, the State has the Constitutional duty to provide adequate facilities and opportunities by distributing its wealth and resources for settlement of life and erection of shelter over their heads to make the right to life meaningful, effective and fruitful. It would be the duty of the State to provide right to shelter to the poor and indigent weaker sections of the society in fulfilment of the Constitutional objectives."

⁵(1996) 2 SCC 549

⁶(1997) 11 SCC 121

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20. The aforesaid decisions were discussed in detail by a Division Bench of this Court in *Sudama Singh and Ors. v. Government of Delhi and Anr.*,⁷ pursuant to which, the DUSIB Policy and DUSIB Protocol were framed. In *Ajay Maken v. Union of India*,⁸ this Court, upon considering the aforesaid decisions, held as under:

“141. The right to housing is a bundle of rights not limited to a bare shelter over one’s head. It includes the right to livelihood, right to health, right to education and right to food, including right to clean drinking water, sewerage and transport facilities.

142. The law explained by the Supreme Court in several of its decisions discussed hereinbefore and the decision in Sudama Singh discourage a narrow view of the dweller in a JJ basti or jhuggi as an illegal occupant without rights. They acknowledge that the right to adequate housing is a right to access several facets that preserve the capability of a person to enjoy the freedom to live in the city. They recognise such persons as rights bearers whose full panoply of constitutional guarantees require recognition, protection and enforcement. That is the running theme of the DUSIB Act and the 2015 Policy.”

21. A conspectus of the aforesaid decisions indicates that the right to shelter and right to livelihood, both of which are guaranteed under Article 21, are intricately connected. Lack of adequate shelter is bound to affect a person’s livelihood. In case the alternate accommodation is inadequate with respect to basic amenities such as transportation services, clean and hygienic water, availability of educational institutions, etc., the petitioners' right to life would be prejudicially affected.

22. At this point, it would be relevant to examine certain obligations on DUSIB as per its Protocol. Clause 6D(vii) thereof, is extracted below, for reference:

“6. STEPS TO BE FOLLOWED PRIOR TO REMOVAL OF JHUGGIS AND JJ

⁷ 2010 SCC OnLine Del 612

⁸ 2019:DHC:1616-DB

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**BASTIS****D. POST SURVEY STEPS**

(vii) In order to provide suitable facilities at the allotted site, DUSIB will make request to the concerned authorities, as under:

(a) Directorate of Education, GNCTD/ MCD will be requested to make arrangement for admission of the wards of the jhuggi dwellers in the nearby schools.

(b) Directorate of Health Services, GNCTD, will be requested to setup a dispensary/ Mohalla Clinic in the vicinity of the flats, if not already available.

(c) Request will be made to open Kendriya Bhandar/Co-operative store to cater to the basic daily needs of the jhuggi dwellers, if not available in the vicinity.

(d) Delhi Transport Corporation (DTC) will be requested to make arrangements of DTC buses.

(e) DUSIB shall facilitate the availability of drinking water and sewerage facilities in the flats to be allotted.”

23. It is, therefore, seen that the respondents are bound to, as per their own policy, ensure minimal impact of the rehabilitation on the lives of the persons who are rehabilitated. If the aforesaid requirements are complied with, the petitioners' grievances would be mitigated to a great extent. The Supreme Court, in *Olga Tellis and Ors.*, has held that the rights under Article 21 may be abraded by procedure established by law which is reasonable. Considering the aforesaid obligations placed on the respondents, the rights of the petitioners may even be secured instead of being affected by giving effect to the said provision.

B. VIOLATION OF LAW/GOVT. POLICY

24. The submissions on behalf of the petitioners on this question are two-fold. They contend that the impugned action is in contravention of the Supreme Court directions in *Re: Directions*, as well as DUSIB Policy.

(i) Supreme Court directions in Re: Directions



25. At the outset, it is seen that the Supreme Court directions are inapplicable in cases of removal of unauthorized constructions in public places. The relevant portion of the said decision is extracted below, for reference:

"91. At the outset, we clarify that these directions will not be applicable if there is an unauthorized structure in any public place such as road, street, footpath, abutting railway line or any river body or water bodies and also to cases where there is an order for demolition made by a Court of law."

26. As per the petitioners, they are not 'unauthorised occupants' of the land in question, considering that their families had settled therein, much prior even to Indian independence. However, the petitioners herein, are residents of 'jhuggi jhopri bastis', and are sought to be evicted in exercise of the authority conferred on DUSIB under the Delhi Urban Shelter Improvement Board Act, 2010 (**DUSIB Act**). Under Section 2(f) thereof, the term 'jhuggi' is defined thus:

*"(f) "jhuggi" means a structure whether temporary or pucca, of whatever material made, with the following characteristics, namely:-
(i) it is built for residential purpose;
(ii) its location is not in conformity with the land use of the Delhi Master Plan;
(iii) it is not duly authorized by the local authority having jurisdiction; and
(iv) it is included in a jhuggi jhopribasti declared as such by the Board, by notification;*

(Emphasis supplied)

27. Therefore, it is seen that the petitioners are in fact, unauthorized occupants of the land in question. Furthermore, it is apposite to note that the scope of the petitions wherein the Supreme Court Directions were passed. The relevant portion of the said decision is extracted below, for reference:



"12. The scope of the present petitions is limited. The question that will have to be considered is, as to whether the properties of the persons, who are accused of committing certain crimes or for that matter even convicted for commission of criminal offences, can be demolished without following the due process of law or not?"

28. The impugned action herein is not in furtherance of any accusation of the commission of crimes against the petitioners, but merely for the purpose of clearing the land in question of unauthorized occupants, to be used for strategic/public purposes. Therefore, the said directions would be inapplicable in the present petitions.

(ii) Government Policy

29. At the outset, the petitioners point out that the impugned action has been initiated at the instance of L&DO. According to them, the present camps are not located on land owned by L&DO, but in fact by the Indian Army and Indian Air Force. They place reliance on Annexure P-6 from the compilation of documents filed on 18.03.2025 by the petitioners, which is, purportedly, a list of JJ Clusters as per the records of DUSIB. Learned counsel for the petitioners takes the Court through entries no. 480, 481, and 482 in the said list to indicate that the 'land owning agencies' are the Indian Army and Indian Air Force respectively.

30. L&DO, in its supplementary affidavit dated 27.03.2026, has categorically stated that the land in question belongs to the Union under the ownership of L&DO, whereas, the Indian Army and the Indian Air Force are currently, only in occupation of the land. The relevant portion of the said affidavit is extracted below, for reference:

"2. That, at the outset, it is most respectfully submitted that the three Jhuggi Jhopri (JJ) clusters in question, namely Bhai Ram Camp, Masjid Camp, and DID Camp, are situated on Central Government land which



is under the ownership of Respondent No.2 i.e. Land & Development Office (L&DO), Ministry of Housing and Urban Affairs, Government of India.

3. That the entire area of Bhai Ram Camp, Masjid Camp and DID Camp is entirely under the administrative control and ownership of the L&DO. The contention that the subject lands are owned by the Army Headquarters and/or Air Force Headquarters is factually incorrect. It is submitted that the land currently under occupation of the Army/Air Force in the vicinity is also under the ownership of the Respondent No.2 (L&DO). That the Army/Air Force are lessees/allottees of the said land, and the same has been allotted by the Respondent No.2 (L&DO).

4. Without prejudice to above made submissions, it is pertinent to mention that the said jhuggi clusters in question are not situated within the leased/occupied boundaries of the Army/defence establishments but are on the land directly under the ownership and control of the Respondent No.2. That this supplementary affidavit has been filed to clarify and put the above position beyond any doubt as directed by this Hon'ble Court."

31. So far as Annexure P-5 is concerned, its authenticity is questionable. The document comprises simply an unsigned and undated list of JJ Clusters purportedly within DUSIB's jurisdiction. Therefore, the said document cannot form the basis of a *prima facie* opinion on who is the land-owning agency, specifically in view of the express stand taken by the respondents.

32. The petitioners have pointed out from the material on record that the respondents have not strictly adhered to the procedure mandated in the DUSIB Protocol insofar as the joint survey for identification of *juggis* and *JJ Bastis*, which are eligible for rehabilitation, was not conducted by DUSIB, but by L&DO and DDA. According to them, the non-involvement of DUSIB in the said exercise vitiates it entirely.

33. Clause 6 of the DUSIB Protocol specifies certain requirements to be met with respect to determination of eligibility of *jhuggis* and *JJ Bastis* for rehabilitation. These included DUSIB involvement in surveys, and constitution of Claims and Objections Redressal Committee and Eligibility

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Determination Committee for grievance redressal with respect to eligibility for rehabilitation. All the petitioners herein, have been deemed eligible for rehabilitation. Therefore, the aforementioned deficiencies have had no effect on the petitioners.

34. Further, insofar as the objections with respect to the draw of lots for allotment of flats being conducted in the absence of any representative of the petitioners is concerned, the categorical stand of the respondents is that the draw of lots was computerized. In view of the fact that the entire process was automated, no prejudice could be deemed to have been caused to the petitioners owing to the absence of their representative at the draw of lots.

35. Even otherwise, as per the stand taken by the respondents, one hundred and ninety-two dwellers have accepted allotment letters and one hundred and thirty-six dwellers have already taken possession of the allotted flats. Further, many of them are stated to have even applied for electricity meters in their allotted flats. Directing the respondents to re-conduct the entire exercise would put the clock back on the persons who have accepted the allotted flats and would be detrimental to their interests. The fact that the entire exercise has attained fruition with respect to the aforesaid persons and also the lack of any *mala fides* on the part of the respondents, operates against interference with the impugned action.

36. It is settled law that Courts, while acting under Article 226 of the Constitution of India, exercise discretionary powers. They are required to balance equities and take other relevant factors into consideration while exercising the discretion. Reference may be made to the decision of the



Supreme Court in *Chandra Singh v. State of Rajasthan*,⁹ wherein, the Court has held as under:

43. Issuance of a writ of certiorari is a discretionary remedy. (See Champalal Binani v. CIT.) The High Court and consequently this Court while exercising their extraordinary jurisdiction under Article 226 or 32 of the Constitution of India may not strike down an illegal order although it would be lawful to do so. In a given case, the High Court or this Court may refuse to extend the benefit of a discretionary relief to the applicant. Furthermore, this Court exercised its discretionary jurisdiction under Article 136 of the Constitution of India which need not be exercised in a case where the impugned judgment is found to be erroneous if by reason thereof substantial justice is being done. [See S.D.S. Shipping (P) Ltd. v. Jay Container Services Co. (P) Ltd.] Such a relief can be denied, inter alia, when it would be opposed to public policy or in a case where quashing of an illegal order would revive another illegal one. This Court also in exercise of its jurisdiction under Article 142 of the Constitution of India is entitled to pass such order which will do complete justice to the parties.”

37. Considering that no prejudice has been caused to the petitioners by reason of non-adherence in the strict sense of the term to the DUSIB protocol since all the petitioners have been deemed eligible for rehabilitation, the said deficiencies would not vitiate the entire exercise.

38. So far as the petitioners' submissions with respect to the mandate of *in-situ* rehabilitation as per DUSIB Policy are concerned, it is seen that under Clause 2(iii) of the DUSIB Policy, which is extracted below, for reference, rehabilitation may even be beyond 5 kilometer from the present camps, with prior approval of DUSIB.

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

(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

⁹ (2003) 6 SCC 545



accommodation will be provided and the eligibility conditions are being separately notified.”

39. The respondents have maintained that *in-situ* rehabilitation is not possible in the present case owing to lack of any alternative site and available housing units for use as alternative accommodation in the vicinity of the present camps, the decision to shift the petitioners to Savda Ghevra has been taken. Paragraph no. 21 of the additional affidavit dated 27.03.2026 filed on behalf of DUSIB is extracted below, for reference:

“21. That it is humbly, and most respectfully, submitted that the answering Respondent has no other available alternate site within a radius of 5 kilometres for the rehabilitation of the JJ dwellers. That no houses under the JNNURM project were constructed in any area within the radius of 5 kms. That as such the JJ dwellers cannot be relocated/rehabilitated in any alternative area.

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28. That the Petitioner has placed on record the minutes of the 24th Board Meeting held on 12.10.2018, and made submissions o Agenda Item No. 24/07. It is submitted that the Board of DUSIB had approved housing projects for the rehabilitation of jhuggi dwellers on DUSIB land at Bhalswa-Jahangirpuri, Sangam Park, Kasturba Niketan, and Dev-Nagar-Karol Bagh. However, the implementation o9f the said projects was aversely affected due to the outbreak of the COVID-19 pandemic, as well as the issuance of a Circular dated 31.12.2020 by the Ministry o Hosuing and Urban Affairs ()MoHUA) By way of the said Circular, pursuant to the decision of the Union Cabinet dated 08.07.2020, it was directed that all existing vacant and under construction houses under JNNURM (Jawahar Nehru National Urban renewal Mission) and RAY (Rajiv Awas Yojana) in States/Union Territories shall be treated as Affordable Rental Housing Omplexes (ARHCs) and shall be allotted only to eligible beneficiaries under the ARHC scheme. ”

40. Further, the decision to relocate the petitioners to Savda Ghevra has been taken by the HPC constituted as per the directions of a Division Bench of this Court in ***Court on its own motion***. The Court had directed the constitution of the HPC to streamline the process of house allotment to

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eligible beneficiaries under various Government schemes/programmes. The relevant portion of the said decision is extracted below, for reference:

“9.1 A High-Powered Committee comprising of Secretary, MoHUA, Government of India, Vice-Chairperson, Delhi Development Authority, Chairperson, DUSIB, Principal Secretary, GNCTD, Chairperson, Delhi Jal Board, and Chairperson, DSIIDC, shall be established immediately. This Committee will be tasked with streamlining the process of house allotment to eligible beneficiaries. Immediate steps should be taken for allotment of 9,104 constructed flats to the eligible beneficiaries. The Committee members shall be authorized to co-opt additional officers from concerned governmental divisions or departments, as deemed necessary to efficaciously implement the directives.”

(Emphasis supplied)

41. The stand taken by the respondents is reflected even in the notice dated 08.04.2026 for 35th Meeting of DUSIB dated 09.04.2026, whereby, formal approval for rehabilitation of the petitioners at the alternate accommodation was accorded. The relevant portion of the said agenda as per the notice is extracted below, for reference:

“AGENDA ITEM NO. 35/01

ALLOTMENT OF EWS FLATS AT SAVDA-GHEWRA TO 717 JHUGGI DWELLERS OF BHAI RAM CAMP, MASJID CAMP AND DID CAMP AND TO 221 JHUGGI DWELLERS OF ALREADY DEMOLISHED 04 JJ BASTIS LE. INDIRA CAMP, G-POINT, NEW SANJAY CAMP AND RAJIV CAMP FOR THEIR REHABILITATION.

3. After November 2019, no JJ bastis could be rehabilitated due to administrative reasons, Covid-19 and communication from MoHUA on implementation of ARHCs (vide which all vacant and under construction houses under JnNURM/RAY schemes deemed converted into ARHCS only).

4. Hon'ble High Court vide order dated 18.09.2023 passed in WPC 9470/2022 constituted a High Powered Committee (HPC) to chalk out a clear and concise policy for the allocation and allotment of houses addressing the concerns raised about ARHCs and the Rehabilitation Policy, 2015 (Annexure-2). The HPC in its second meeting held on 09.05.2024 constituted sub-committee.



xxxxx

6. On the recommendation of the third meeting of HPC held on 22.10.2024. Hon'ble High Court vide order dated 22.11.2024 passed in WP(C) 9470/2022 and CM APPL 30607/2022 & 30608/2022, has directed that upto 2500 JnNURM houses at Savda-Ghevra are allowed to be used for Slum rehabilitation to the eligible JJ dwellers from the recommended JJ bastis (Annexure-4).

xxxxx

8. L&DO, MOHUA, Gol vide letters dated 17.10.2025 requested for reservation of 1000 flats at Savda-Ghevra for the three JJ Bastis namely Bhai Ram camp, Masjid camp and DID camp at Race Course area for urgent allotment of rehabilitation flats for time bound clearance of Government Land near Race Course area as well as other JJ dwellers for future rehabilitation. The name of above three JJ bastis exists in the list of 675 identified JJ bastis with cluster code 503, 502 and 504 respectively Accordingly, L&DO, MoHUA, Gol has been requested vide letter dated 14.11.2025 to deposit relocation charges amounting to Rs. 84,96,82,940/-against 1000 dwelling units at Savda-Ghevra. Further, L&DO vide letter dated 03.02.2026 enclosed copy of sanction order for Rs. 42,48,00,000/-and informed that remaining amount sanctioned for this purpose shall be released to DUSIB shortly (Annexure-6 colly)

9. The eligibility determination in respect of JJ bastis Bhai Ram camp, Masjid camp and DID camp has been carried out by the DDA Further, L&DO has sent the files of eligible and in-eligible JJ households of these three JJ bastis to DUSIB on 15.01.2026 and 12.02.2026 respectively.

10. The High Powered Committee (constituted by Hon'ble High Court of Delhi in WPC 9470/2022) in its 4th meeting held on 29.01.2026 interalia approved that eligible JJ dwellers of above three JJ Bastis namely, Bhai Ram camp, Masjid camp and DID camp at Race Course area may also be accommodated in the flats at Savda Ghevra, Delhi for rehabilitation (Annexure-7).

11. L&DO further vide letter dated 12.02.2026 requested for allotment of flats to 528 eligible and 258 ineligible (total 786) JJ beneficiaries from aforesaid three JJ bastis. It has been further informed vide said letter that the competent authority has already given in-principle approval for allotment of flats to these ineligible jhuggi dwellers. It has been requested to DUSIB that the allotment of flats for both the 528 eligible and 258 ineligible beneficiaries be taken up immediately without any further delay to ensure timely clearance of the encroached government land. (Annexure-8)

12. The Hon'ble Chairperson, DUSIB at Note #34 in the concerned e-file no. 330515, has approved that as requested by MOHUA "the allotment of flats for both the 528 eligible and 258 ineligible beneficiaries be taken up immediately...", DUSIB may be directed to

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take action for Computerised Draw of lots of 528 (eligible)+ 258 (ineligible) flats in co-ordination/assistance of DDA (Annexure-9)

13. In this regards, a letter dated 16.02.2026 was sent to Commissioner (Systems), DDA regarding conducting draw of lots in r/o eligible/ineligible JJ dwellers for the EWS Flats at Savda Ghevra, New Delhi. L&DO has provided the list of 528 eligible and 189 in-eligible JJ dwellers (excluding Non-residential jhuggi units viz exclusive commercial/locked/Anganwadi/Mandir/Masjid/store/bathroom/Toilets etc.) to DDA vide letter dated 17.02.2026 with copy to DUSIB. The draw of lots was held on 17.02.2026 by DDA for allotment of 717 nos. of flats at Savda Ghevra, New Delhi. (Annexure-10).14. Dy. L&DO vide this office letter dated 20.02.2026 was informed that as per rehabilitation policy, 2015, eligible JJ dweller is required to deposit Rs.1,12,000/-(Rs 1000/- for SC) as beneficiary contribution and Rs.30,000/- towards maintenance charges for 5 years within stipulated time period. Being a time bound matter to rehabilitate the JJ dwellers from 3 JJ bastis at Race Course area, it was requested to inform the beneficiary contribution to be charged from ineligible JJ dwellers for allotment of flats (Annexure-11).

15. Dy. L&DO vide letter dated 23.02.2026 informed that the balance amount of Rs. 23,99,65,540 has already been released to DUSIB vide sanction order dated 16.02.2026. It has also been informed tht the ineligible JJ dwellers from three identified clusters (Bhai Ram camp, Masjid camp and DID camp) are to be treated at par with eligible dwellers for the purpose of this allotment. The release of Rs. 1,12,000/- per dweller as the beneficiary contribution has been ensured by MoHUA and DUSIB is requested to grant beneficiaries a period of three months to deposit Rs. 30,000/-maintenance cost and to issue allotment letters immediately to facilitate the completion of the rehabilitation process (Annexure-12). The Hon'ble Chairperson, DUSIB at note 74 dated 27.02.2026 in concerned e-file no 330515 has approved the same (Annexure-13). The allotment letters are being issued to the JJ dwellers and possession of allotted flats is being given by the concerned Engineering Branch of DUSIB.

18, To comply with the directions of Hon'ble Court, proposal for conducting draw of lots for 221 eligible JJ dwellers in respect of above mentioned already demolished 04 JJ bastis and 295 eligible JJ dwellers in respect of JJ basti Kushak Nalla (not removed) was placed before the Hon'ble Chairperson, DUSIB.

19. The Hon'ble Chairperson, DUSIB vide note no. 87 dated 10.03.2026 in e-file no. 330515 has approved to conduct computerized draw of lots for the eligible JJ dwellers of aforementioned 04 already demolished JJ bastis. The decision w.r.t. ineligible JJ dwellers of already demolished JJ bastis and JJ basti at Kushak Nalla, East Kidwai Nagar (not

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removed) may be taken after finalization of 'New Rehabilitation Policy (Annexure-14).

20 In view of above facts and circumstances in-situ rehabilitation is not possible.

PROPOSAL: Ratification of following Agenda:

i. Allotment of EWS flats at Savda-Ghewra, Delhi to 717 nos. of JJ dwellers including 528 eligible and 189 in-eligible out of 258 ineligible beneficiaries (excluding non-residential jhuggi units) of the three JJ bastis namely Bhai Ram camp, Masjid camp and DID camp at Race Course area.

ii. The beneficiary contribution of Rs. 1,12,000/- per dweller to be deposited in DUSIB by MoHUA, Govt. of India and the beneficiaries may be granted a period of three months to deposit Rs. 30,000/- in DUSIB account in respect of maintenance cost of the allotted flat in respect of three JJ bastis namely Bhai Ram camp, Masjid camp and DID camp at Race Course area."

42. Therefore, it is seen that even the objection of the petitioners with respect to lack of any formal approval by DUSIB for the impugned action, has been addressed.

43. So far as the petitioners' contention that the respondents have not disclosed the specific reason for eviction from the present camps is concerned, the respondents' case is that the location of the present camps is adjoining military installations and therefore, in order to strengthen defence infrastructure, eviction is necessary. Paragraph no. 13 of the comprehensive reply dated 19.03.2026 filed by the respondents is extracted below, for reference:

"It is submitted that the rehabilitation and relocation of the jhuggi dwellers has become essential due to the highly sensitive and strategic location of the area. The JJ clusters lie in a protected zone, immediately next to an operational Air Force Station. In the current global security situation, which involves increased threats and the risk of conflict or war—like conditions, the presence of unauthorized structures in this sensitive area creates serious risks to national security, public safety, and the protection of vital installations. Therefore, after careful



consideration, the Respondent has taken a decision to remove the unauthorized structures, including resuming adjoining government lands (such as the Race Course Club) in order to strengthen, and secure defence infrastructure and other important public and security purposes.”

44. The Supreme Court, in its decision in ***Ex-Armyemen’s Protection Sevices Private Limited v. Union of India and Ors.***,¹⁰ examined the scope of interference by Courts in policy decisions taken by the executive for national security reasons, has held as follows:

“15. It is difficult to define in exact terms as to what is “national security”. However, the same would generally include socio-political stability, territorial integrity, economic solidarity and strength, ecological balance, cultural cohesiveness, external peace, etc.

16. What is in the interest of national security is not a question of law. It is a matter of policy. It is not for the court to decide whether something is in the interest of the State or not. It should be left to the executive. To quote Lord Hoffman in Secy. of State for Home Deptt. v. Rehman (AC p. 192C)

“... [in the matter] of national security is not a question of law. It is a matter of judgment and policy. Under the Constitution of the United Kingdom and most other countries, decisions as to whether something is or is not in the interests of national security are not a matter for judicial decision. They are entrusted to the executive.”

17. Thus, in a situation of national security, a party cannot insist for the strict observance of the principles of natural justice. In such cases, it is the duty of the court to read into and provide for statutory exclusion, if not expressly provided in the rules governing the field. Depending on the facts of the particular case, it will however be open to the court to satisfy itself whether there were justifiable facts, and in that regard, the court is entitled to call for the files and see whether it is a case where the interest of national security is involved. Once the State is of the stand that the issue involves national security, the court shall not disclose the reasons to the affected party.”

¹⁰ (2014) 5 SCC 409



45. The Court thus, finds that, considering contemporary geopolitical events, national security concerns of the respondents satisfy as specific reasons for eviction of the petitioners. The Court ought not to be too eager to interfere with such executive policy decisions. Reference may be made to the decision of a Division Bench of this Court in *Executive Pilots Association & Anr. v. Air India Limited & Ors.*¹¹

“5. The decision taken by the Ministry of Civil Aviation during the pandemic was the domain of the Ministry and thereafter the impugned Office Orders were brought into effect by the Respondent No.1. It is established law that the Courts do not run governments and should not interfere with policy decisions under Article 226 of the Constitution of India and can only interfere in the decision-making process on grounds of malafides, unreasonableness or arbitrariness. Courts cannot examine relative merits of economic policies and cannot strike down a Policy merely on the ground that another Policy would be fairer and better.”

46. Further, it is seen that as per the respondents, the ‘beneficiary contribution’ component that the petitioners would otherwise have had to pay as per the DUSIB Policy have been substantially relaxed in the present case, and the same will be borne by the Union (Ministry of Housing and Urban Affairs). The petitioners have also been granted three months’ time for depositing the maintenance charges. Paragraph 10 of the comprehensive reply of the respondents is extracted below, for reference:

“That moreover, department has already released Rs.66,47,65,540(Rs.@8,64,100 per flat) to DUSIB for the reservation of flats at Savda Ghevra. While standard DUSIB policy requires each beneficiary to pay a Rs. 1,2,000 contribution and a five-year maintenance cost of \$30,000, this has been modified. Vide letter dated 23.02.2026, L&DO conveyed to the Pr. Director (Rehab), DUSIB, that ineligible dwellers are to be treated at par with eligible ones and MoHUA will cover Rs.1,12,000 beneficiary contributions. To further ease the

¹¹ 2023:DHC:4403-DB



transition, beneficiaries are granted a three-month time to deposit 330,000 maintenance charge, ensuring that immediate financial requirements do not delay the relocation process.”

47. Therefore, the respondents have taken steps to minimize prejudicial effects that the impugned action may have on the petitioners. This aspect also requires to be duly considered by the Court when exercising its writ jurisdiction.

III. CONCLUSION

48. In view of the forgoing discussion, the following conclusions are drawn by the Court:

48.1. The petitioners have fundamental rights to shelter and livelihood under Article 21 of the Constitution of India. These rights are intricately connected to the fundamental right to life and any violation of one of them would generally entail violation of all of them.

48.2. However, their mere eviction and rehabilitation at alternative accommodation would not violate the said rights as long as the interests of the petitioners are secured as per the mandate of DUSIB Policy and Protocol.

48.3. The respondents have not strictly followed the procedure for eviction and rehabilitation of the petitioners as per DUSIB Policy and Protocol. However, the said deficiencies have not caused prejudice to the petitioners and some have them have already been rectified.

49. In order to secure the interests of the petitioners, the Court finds it appropriate to dispose of these petitions with the following directions:

49.1. The respondents shall ensure compliance with the provisions of the DUSIB Policy and the DUSIB Protocol including with respect to securing



education, travel, water and sanitation facilities, etc. for the residents of the alternate accommodation.

49.2. The respondents shall be bound by their undertaking with respect to the relaxation of the beneficiary contribution under the DUSIB Policy.

49.3. The petitioners, who have not yet accepted allotment letters, shall immediately obtain the same upon due verification of their documents, and also take possession of the allotted flats. The petitioners were first served eviction notices on 29.10.2025. Sufficient time has elapsed since then and the petitioners have been aware of the subsequent developments that have taken place during the pendency of these matters. In view thereof, the petitioners shall vacate the present camps within fifteen days from today, failing which, the respondents shall be at liberty to take appropriate action in accordance with law.

49.4. The petitioners shall be at liberty to take appropriate recourse, including to file a fresh petition, in case the respondents fail to fulfil their obligations as contained in paragraph no. 49.

50. Accordingly, petitions, along with pending applications, stand disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MAY 11, 2026
aks.