

2023 LiveLaw (SC) 555

**IN THE SUPREME COURT OF INDIA
HRISHIKESH ROY; J., PANKAJ MITHAL; J.**

Special Leave to Appeal (C) No(s).7393/2023; 17-07-2023

MANOJ KUMAR & ORS. *versus* DELHI URBAN SHELTER IMPROVEMENT & ORS.

Delhi Urban Shelter Improvement Board Act, 2010 - The Supreme Court refused to interfere with the High Court judgment which held that dwellers of jhuggis which are outside the list of recognized jhuggi clusters are not entitled to rehabilitation.

(Arising out of impugned final judgment and order dated 21-02-2023 in LPA No.71/2023 passed by the High Court of Delhi at New Delhi)

For Petitioner(s) Ms. Anupradha Singh, Adv. Mr. Shiyas Kr, Adv. Ms. Amiy Shukla, AOR Mr. Shakti Vardhan, Adv.

For Respondent(s) Mr. Ajay Vikram Singh, AOR Mrs. Priyanka Singh, Adv. Mrs. Garima Singh, Adv. Mr. Shubham Singh, Adv. Mr. Omkar, Adv. Mr. Pankaj Kumar, Adv.

ORDER

Heard Ms. Anupradha Singh, learned counsel appearing for the petitioners. The counsel has referred us to the impugned judgment of the learned Single Judge as was upheld by the Division Bench. By reading the provisions of Section 2(f) and 2(g) of the *Delhi Urban Shelter Improvement Board Act, 2010* which provides for establishment of *Delhi Urban Shelter Improvement Board (DUSIB)*, the Counsel would then submit that the Board may attach any Jhuggi scattered in *nearby areas* and such Jhuggi or Jhuggies shall be deemed to be part of Jhuggi Jhopri Basti. According to the petitioners, the three-kilometer radius to understand the expression "*nearby areas*", as was found by the learned Single Judge and Division Bench, should have extended to at least five-kilometer distance to have a wider coverage of the concerned area.

The learned counsel Ms. Anupradha Singh also refers to the proceedings dated 22.08.2019 and then 08.08.2022 of the Board to point out that there is no clear-cut decision on what should constitute the "*nearby areas*".

The submissions so made by the learned counsel are considered. We have also examined the basis on which the High Court has decided to take into account the three-kilometer distance to understand the coverage of "*nearby areas*". We find no infirmity therein warranting our interference under Article 136 of the Constitution. In consequence, the Special Leave Petition stands dismissed.

Pending application(s), if any, stand closed.