
(2000) 12 DEL CK 0041
In the Delhi High Court
Case No : C.W. No. 3636 of 1990

Narinder Sawhney

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 08-12-2000

Acts Referred:

Citation : (2000) 12 DEL CK 0041

Hon'ble Judges : R.S. Sodhi, J;A.D. Singh, J

Bench : Division Bench

Advocate : Anand Yadav, for the Appellant; Gita Mittal and Shobna Takiar, for the Respondent

Final Decision : Dismissed

Judgement

R.A. No. 726/93 in C.W.P. No. 3636 of 1990

1. On 3rd March, 1992, counsel for the respondent DDA had made a statement before this Court that the respondent was willing to allot a plot to the petitioner at Kalkaji, reserved pursuant to this Court's order dated 21.12.1990. By that order, respondent No. 5 was specifically directed to reserve plot No. 1 in Block PT-62, Kalkaji, New Delhi. The respondent No. 5-DDA filed the instant application on 16th January, 1993 wherein it is stated that the statement made before this Court on 3rd March, 1992 and affirmed by Shri S.C. Marwah, Assistant Director, D.D.A., was not made under the instructions of the DDA.

2. We have heard learned counsel for the parties and have perused the paper book. In the additional counter-affidavit filed on behalf of respondents 5 and 6 it is stated that in August, 1989 it was directed by the Lt. Governor that all the allottees of South Zone were to be accommodated in Papankala in view of the scarcity of land in South Delhi and accordingly the petitioner was offered a semi-developed plot measuring 100 sq. yds. in Papankala, subject to payment of earnest money of Rs. 3,000/-. The affidavit goes on to state that not only the petitioner failed to deposit earnest money of Rs. 3,000/- by the due date, but

also refused to accept the said offer for allotment of a plot. The stand taken in the additional counter-affidavit of respondents 5 and 6 have been DDA. We find that the stand taken by the respondent to deprive the petitioner of the plot in South Delhi is not justified.

3. According to the copy of the office not of the DDA, dated 22nd April, 1992, which was filed by the DDA pursuant to the direction of the Division Bench, it appears that the matter relating to allotment of plot to the petitioner was examined by the Lt. Governor and it was found that the petitioner was the senior most in South Zone amongst the land owners who had made requests for allotment of plots measuring 200 sq. yds. in lieu of their lands acquired by the Government under Land Acquisition Act. It was in view of this situation that the petitioner was offered a plot measuring 104 to 160 sq. mts. approximately in Safdarjung, East of Kailash and Kalkaji. The petitioner was also asked to deposit Rs. 3,000 as earnest money by DDA by its letter dated 7.6.89. Pursuant to this offer, the petitioner deposited the requisite amount on 15.6.1989 (see pages 33-A, 35 and 124 of the Court record). This crystallized the right of the petitioner and this happened before the alleged aforesaid decision of the Vice-Chairman on August 1, 1989. Thereafter the petitioner was informed that for purposes of allotment of plot, draw of lots was to be held on 3.7.89 (see page 36 of the Court record). The draw of lots, however, was not held due to protests by certain persons. The statement made in this Court by S.C. Marwah, Assistant Director (LSBR), DDA appears to be consonance with the decision of 1989 of the D.D.A. which is reflected in the office note of the respondents dated 22nd April, 1992. At this stage the DDA cannot resile from its statement, especially in view of the fact that the petitioner was offered plot measuring 104 to 160 sq. mt. in the aforesaid areas and the petitioner had accepted the offer by depositing the earnest money. It is well settled that when an authority makes a representation to a person and that person acts on it, the authority subsequently cannot be allowed to go back on the representation in view of the principle of equitable estoppel.

4. In view of the above discussion, the application is dismissed.