

(2025) 01 DEL CK 1662

In the Delhi High Court

Case No : Contempt Petition(C) No. 1215 Of 2023

Smt Raj Rani Since Deceased Through Legal Heir Sh. Brij
Mohan

APPELLANT

Vs

Sh. Naresh Kumar, Chief Secretary, Nct Of Delhi & Ors

RESPONDENT

Date of Decision : 13-01-2025

Acts Referred:

Citation : (2025) 01 DEL CK 1662

Hon'ble Judges : Manoj Jain, J

Bench : Single Bench

Advocate : Apurva Nagpal, Abhinav Singh, Praveen Kumar Kaushik, Mrinalini Sen, Shivangi Bhasin

Final Decision : Dismissed

Judgement

Manoj Jain, J

1. Respondent-DDA had come up with a housing scheme for rehabilitation of Punjab Migrants.

2. One Smt. Raj Rani (since deceased) had filed a writ petition, which was registered as W.P. (C) No. 657/2013. She sought directions to DDA to handover her the possession under the aforesaid scheme. She contended that she had, though, been allotted a flat under the aforesaid scheme and had paid the entire amount as asked for by DDA, possession had not been handed over to her.

3. Aforesaid writ petition was disposed of by this Court way back on 18.08.2015 by directing as under: -

"1) Petitioner shall appear before Director (Housing) of DDA at 3.00 PM on 1st September, 2015 in office at Vikas Sadan, INA, New Delhi along with all the original documents, including original registration slip, original challans, original demand letter and proof of her identity as well as her present address. The SDM (West), Punjabi Bagh and/or SDM, Kalkaji shall also remain present at that time

along with relevant files. After carrying out necessary verifications including the genuineness and identify of the allottee, the possession of the flat allotted to her shall be delivered within eight weeks of such verification provided all other necessary formalities in this regard are completed. DDA before issuing possession letter will also verify that the payment in terms of the demand letter was made within the time stipulated in this regard in the said letter.

2) The SDM (West), Punjabi Bagh and/or SDM, Kalkaji shall also help in the process of verification to be carried out in terms of this order.

3) The original NOC which has been submitted to DDA shall also be verified at the time of the aforesaid hearing.

4) DDA shall also ensure that not more than one allotment is made against one set of documents and there has been no breach of the terms of the Scheme, by the allottee.

5) Handing over possession in terms of this order shall not affect the investigation by Delhi Police or any other statutory authority.

The DDA is directed to forward copy of this order to the SDM (West), Punjabi Bagh and/or SDM, Kalkaji by registered post as well as by hand within a period of one week."

4. Clearly, there was specific direction to petitioner to appear before Director (Housing), DDA on a specified date and time along with all the original documents and, simultaneously, SDM, Punjabi Bagh and/or Kalkaji were also directed to remain present in the office of Director (Housing) for the requisite verification.

5. There is nothing on record which may even, remotely, indicate that the petitioner ever appeared before the Director (Housing), DDA on the aforesaid specified date, time and place.

6. Unfortunately, in the interregnum, Smt. Raj Rani, original allottee also expired on 10.05.2018.

7. Needless to say, in case the petitioner was aggrieved by inaction on the part of respondent-DDA or the fact that there was wilful disobedience or non-compliance of the aforesaid specific directions, petitioner should have rather filed a contempt petition within one year. Nothing of that sort was contemplated and there are mere verbal assertions that they had been visiting the office of respondent-DDA from time to time.

8. Be that as it may, contempt jurisdiction cannot be invoked at such a belated stage and that, too, without showing any justifiable cause.

9. More importantly, Smt. Raj Rani had filed a contempt petition earlier which was registered as CONT. CAS (C) No. 504/2018 and this Court had taken note of the fact that such petition had been filed in the name of a dead person. A report

was also sought from Worthy Registrar General and keeping in mind the aforesaid fact, since the petition had not been instituted correctly, it was disposed of as not maintainable while leaving open all the rights and contentions of DDA.

10. After such dismissal of the aforesaid contempt petition on 19.01.2023, instant contempt petition (CONT. CAS (C) 1215/2023 has now been filed.

11. Learned counsel for respondent-DDA submits that petitioner had never reported to their office as per the specified time and date fixed by this Court and, therefore, the initiation of contempt proceedings is totally misplaced and unfounded. It is also contended that the original allottee had not deposited the entire amount and it was only the initial deposit of Rs. 40,000/- which was made by her. It is also submitted that even such deposit was not within the stipulated timeframe. It is submitted that since she did not appear before Director (Housing), DDA as per the aforesaid specific directions, there was no requirement on the part of DDA to pass any further order.

12. On perusal of the reply filed by respondent-DDA, it is evident that DDA had afforded several opportunities to petitioner to appear before it in compliance with the above said directions given in order dated 18.08.2015, the last being for 10.04.2019. Despite that, none appeared from the side of petitioner and, resultantly, her documents could not be verified and her case could not be decided.

13. It will also be beneficial to refer to the report submitted by SDM, Punjabi Bagh wherein it is mentioned that the name of Smt. Raj Rani did not even exist in the list of Punjab Migrants and, therefore, her case was not covered under the draw.

14. Be that as it may, on careful perusal of the averments appearing in the contempt petition, this Court is of the considered opinion that there is nothing which may persuade or compel this Court to initiate any action against the respondents for the alleged wilful disobedience of order dated 18.08.2015. On the contrary, original allottee is herself responsible for the present impasse as despite there being specific directions, for the reasons best known to her, she did not bother to appear before the concerned Director (Housing), DDA on the specified date, time and venue and even thereafter.

15. In view of the above, present contempt petition is dismissed being devoid of any merit.

16. All the rights and contentions of respondent-DDA are left open.

17. Needless to say, this order would not come in way of petitioner, if he chooses to file any substantive petition.