
(2012) 02 DEL CK 0319

In the Delhi High Court

Case No : Writ Petition (C) No. 647 of 2010 and C.M. No. 1366 of 2010

Smt. Vidyawati

APPELLANT

Vs

Delhi Development Authority and Another

RESPONDENT

Date of Decision : 16-02-2012

Acts Referred:

Citation : (2012) 02 DEL CK 0319

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Arjun Singh Bawa, for the Appellant; M.K. Singh, for R-1/DDA, Mr. Vinod Wadhwa, for R-2, for the Respondent

Judgement

Hima Kohli, J.—The present petition is filed by the petitioner praying inter alia for directions to respondent No. 1/DDA to include her name as per her seniority in the list of recommendees for allotment of an alternative plot in South/Dwarka Zone in the draw of lots which was scheduled to be held on 5.2.2010. The facts of the case, as stated in the writ petition are that, the land of the husband of the petitioner late Shri Moji Ram, was acquired on 23.3.1965, vide Award No. 1802, for the purpose of "Planned Development of Delhi". Possession of the acquired land was taken by respondent No. 2/Govt. of NCT of Delhi and handed over to respondent No. 1/DDA. In the year 1965-66, the husband of the petitioner had filed an application with respondent No. 2/Govt. of NCT of Delhi for the allotment of an alternative plot in lieu of his land which was acquired by respondent No. 2/Govt. of NCT of Delhi and placed at the disposal of respondent No. 1/DDA. On 9.9.1991, Shri Moji Ram was allotted an alternative plot measuring 250 sq. yards (Annexure P-3).

2. It is stated by the counsel for the petitioner that as the size of the aforesaid plot was irregular, a request was made by the deceased allottee for cancellation of the aforesaid allotment and for his name to be included in the next draw of lots. Pursuant to the aforesaid request, on 20.6.1996, respondent No. 1/DDA had allotted to Shri Moji Ram, a plot measuring 175 sq. meters bearing Plot No. 209,

Block-A, situated in Bagrola, Dwarka Residential Scheme and had issued a demand-cum-allotment letter. On 30.11.1996, Shri Moji Ram deposited a sum of Rs. 3,56,000/- (being 75% of the premium amount) with the respondent No. 1/DDA. In the year 1997-98, yet again, Shri Moji Ram requested respondent No. 1/DDA to cancel the allotment due to the irregular shape of the allotted plot. The said request was acceded to by the DDA and the allotment of the plot in question was cancelled. Shri Moji Ram expired on 3.6.2003. Thereafter, the petitioner being his legal heir, applied to the respondent/DDA for her name to be mutated/substituted in place of her deceased husband's, as a recommendee.

3. Vide letter dated 22.10.2009, respondent No. 1/DDA mutated/ substituted the name of the petitioner as a recommendee for the allotment of an alternative plot (Annexure P-6). In the year 2009, respondent No. 1/DDA prepared a list of a total of 230 waiting recommendees for the allotment of alternative plots in the category of 250 sq. yards, wherein the name of the husband of the petitioner had featured at Sr. No. 3 (Annexure P-7). However, on 24.1.2010, when respondent No. 1/DDA published a public notice enlisting the names of the recommendees as per seniority, the petitioner discovered that her name had not been included in the said list. As a result, she applied to respondent No. 1/DDA for inclusion of her name and thereafter, time and again visited the office of respondent No. 1/DDA, but could not discover the fate of her representation. Finally, the petitioner filed the present petition in January, 2010.

4. Vide order dated 1.2.2010, while issuing notice on the present petition, directions were issued to respondent No. 1/DDA to include the name of the petitioner in the draw of lots fixed for 5.2.2010, without prejudice to the rights and contentions of the respective parties. Thereafter, a counter affidavit was filed by respondent No. 1/DDA, wherein it is stated that pursuant to the order dated 1.2.2010, inadvertently, the name of the deceased husband of the petitioner, namely, Shri Moji Ram was included in the draw of lots held on 5.2.2010, instead of the petitioner's name and a plot measuring 209 sq. meter bearing No. 36, Pocket 9, Sector 23-B in Dwarka, Delhi, was allotted. It is further stated that in the past, the authority being had discovered that there were cases of some fake recommendation letters being forwarded to them, which had also come to the notice of the DDA/Delhi Administration and therefore it was decided to re-verify the genuineness of the recommendees from the Land & Building Department of respondent No. 2/Govt. of NCT of Delhi. Accordingly, a copy of the recommendation letter of the petitioner was forwarded by respondent No. 1/DDA to the Land & Building Department of respondent No. 2/Govt. of NCT of Delhi, vide letter dated 22.9.2009, for verifying its genuineness along with 489 other such recommendation letters.

5. Vide letter dated 14.12.2009, respondent No. 2/Govt. of NCT of Delhi had submitted a report of the Committee constituted by the Land & Building Department to examine the genuineness of the recommendation letters in which, the case of the petitioner herein was listed at Sr. No. 161 and in the column of

remarks, it was noted that "Record not provided".

6. Counsel for respondent No. 1/DDA states that repeated reminders to respondent No. 2/Govt. of NCT of Delhi to verify the case of the petitioner have not elicited any response till date.

7. Counsel for respondent No. 2/Govt. of NCT of Delhi states that he has no instructions in this regard. However, he submits that he would have no objection to verify the record of the petitioner and if she may be called upon to appear before the Deputy Secretary, ALT, Land & Building Department, Govt. of NCT of Delhi, with all the relevant documents.

8. In view of the aforesaid facts and circumstances, it is deemed appropriate to dispose of the present writ petition with the following directions :

(a) Respondent No. 2/Govt. of NCT of Delhi shall give a written intimation to the petitioner, at the address furnished in the memo of parties, as to the documents required to be furnished by her for the purpose of verification of genuineness of the recommendation letter, before the Deputy Secretary (ALT) within a period of two weeks from today. In the said letter, the date and time of the meeting shall be intimated to the petitioner.

(b) Upon receipt of the aforesaid letter from respondent No. 2/Govt. of NCT of Delhi, the petitioner shall visit the office of the aforesaid officer on the assigned date and time, along with all the relevant documents for the purpose of verification.

(c) Upon scrutinizing the documents that shall be submitted by the petitioner, the Deputy Secretary (ALT), Govt. of NCT of Delhi shall communicate his decision to the petitioner as also to respondent No. 1/DDA within a period of two weeks thereafter.

(d) In case respondent No. 2/Govt. of NCT of Delhi is satisfied with the documents submitted by the petitioner, it shall convey the same in writing to respondent No. 1/DDA for the purpose of handing over possession of the subject plot to the petitioner upon completion of necessary formalities, if any, in that regard.

(e) In case respondent No. 2/Govt. of NCT of Delhi is not satisfied with the documents produced by the petitioner and it declines the request of the petitioner for allotment of an alternative plot, it shall convey the same to her in writing.

9. If the petitioner is aggrieved by the order that may be passed by respondent No. 2/Govt. of NCT of Delhi, she shall be entitled to seek her remedies as per law. The petition is disposed of, along with the pending application. A copy of this order be given dasti to the counsels for the respondents.