

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

+ **W.P.(C) No.9623/2006 and CM No.7213/2006**

% **Date of Decision : 17th March,2008**

MR.SUNIL KUMAR Petitioner

Through Mr.Sunil Kumar, Adv.

VERSUS

DELHI DEVELOPMENT AUTHORITY Respondent

Through Ms.Rajdeepa Behura, Adv.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

1. Whether Reporters of local papers may be

allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported

in the Digest?

SANJIV KHANNA, J:

1. The petitioner was registered under the Housing Registration Scheme namely Ambedkar Awas Yojna (LIG), 1989. He had deposited the registration money of Rs.8,000/-. In 1997, the petitioner had applied for cancellation of his registration and refund of the registration amount. It is the case of the petitioner

that this letter was not acted upon and the registration amount was never refunded to the petitioner and therefore, his registration will continue. It is also stated that DDA had issued demand cum allotment letter with block end date 20.12.2004 and in terms of the said letter, the petitioner has deposited the entire cost of the flat i.e. Rs.5,98,388/-.

2. The stand taken by the respondent/DDA is that the registration of the petitioner was cancelled in 1997 and a cheque of Rs.11,970/- was issued in the name of the petitioner. It is also stated that the said cheque has been encashed in Punjab and Sind Bank, Ramraj, Muzaffar Nagar.

3. It is clear from the stand taken by the respondent/DDA that letter of request for cancellation of registration written by the petitioner was accepted by the DDA and thereafter refund cheque was issued in 1997.

4. The petitioner who is also present in person states orally before me that he does not have original documents and the same have been lost. Even the registration receipt by which he had deposited payment of Rs.8,000/- is not available with him. He further states that he is making his living by driving cycle rickshaw. He states that he had borrowed money from his relatives and sold his cattle to arrange Rs.5,98,388/-. The petitioner in person has appeared along with one Mr.Manish Goel, resident of Mayur Vihar. Mr.Manish Goel, states that he is an MBA student but did not arrange for funds for deposit of the said amount.

5. It is apparent that the story made by the petitioner has many loopholes and blanks. Without deposit of original receipt, payment or refund of registration amount is not made. Third persons have made payment for the flat and are interested in the flat. The scheme was open only for members belonging to Schedule Castes and Tribes. The petitioner does not have resources and capacity to make payment of nearly Rs.6 lacs. It is also apparent that the petitioner had applied for cancellation of his registration, which request was accepted. This fact was not mentioned in the writ petition and was concealed by the petitioner and was stated later on in his additional affidavit filed on 3rd July, 2006.

6. In these circumstances, I am not inclined to entertain the present writ petition and direct for re-allotment/allotment of a flat. To this extent the writ petition is dismissed.

7. The other relief that the petitioner may be entitled to is refund of Rs.8,000/- with interest. DDA claims that they had already refund the said amount by cheque of Rs.11,970/- which has been duly encashed by Mr.Sunil Kumar. This is disputed by the petitioner. These are disputed questions of facts which cannot be gone into and examined by this Court. I am not inclined to go into these factual disputes. The petitioner, if he wants and is advised may file a Civil Suit for recovery of the said amount.

8. Rs.5,98,388/- deposited by the petitioner will be refunded back to him on

furnishing details of bank account which shall be furnished within 15 days from today. The petitioner will personally go to the office of DDA and collect the refund cheque on the date and time which will be intimated to the petitioner in writing by DDA. No interest will be payable on the said amount.

SANJIV KHANNA,J

MARCH 17, 2008
RN/vld

