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

+ W.P.(C) 7454/2009

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Date of decision: 6th November, 2009

ASHOK CHITKARA

..... Petitioner

Through Ms. Shantha Devi Raman, Advocate.

Versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through Ms. Aruna Tiku, Additional Standing
Counsel for GNCTD.

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 ?

ORDER

1. The petitioner has now been allotted a plot No. S-30, measuring 400 square yards, Okhla Industrial Area, Phase-II, New Delhi. The petitioner had originally asked for allotment of plot measuring 300 square yards and had made payment of the same in the year 1983. Possession to most of the applicants under the scheme floated by Industries Department of Delhi administration was given in the year 1983-84 but some of the plots could not be allotted as they were encroached upon by jhuggi jhopri dwellers. The petitioner was one of them.

2. In 1990, keeping in view the encroachment and non-availability of land, four suitable industrial plots in S block, Okhla Industrial Area, Phase-II were carved out and after approval from the Lt. Governor, draw of lots was held on 6th January, 1997. The petitioner's name was also included in the said draw of lots. This draw of lots was made subject matter of challenge in two writ petitions filed in this Court by Analog System and Dr. Kusum Manchanda. Interim stay orders were passed in the writ petitions and no allotment could be done. These orders were partly modified vide orders dated 24th January, 2003 and 10th March, 2003. By order dated 10th March, 2003, the respondents were permitted to make allotment in terms of the draw of lots held on 6th January, 1997, subject to final orders in the two writ petitions.

3. The writ petition filed by Analog Systems was finally disposed of vide order dated 22nd May, 2006 with the directions that the respondents will allot plot No. S-87 to Analog System, plot No. S-17 to Mr. Shyam Gupta, plot No. S-61A to Mr. Gyanesh Chaudhary and plot No. S-30 to Mr. Ashok Chitkara, the petitioner herein. This was a consent order. The writ petition, therefore, came to an end and was disposed of. The respondents thereafter made the relevant allotments and have charged Rs.41,180/- per square meter for the additional 100 square yards of land allotted to the petitioner.

4. The petitioner objects to this rate of Rs.41,180/- per sq.mtr., which has been charged for the additional 100 square yards of land. She submits that the petitioner should be charged rates as applicable in 1997 or rate of Rs.27,680/- mentioned by DDA in their letter dated 9th November, 2006.

5. The rate of Rs.41,180/- p.sq.mtr. charged from the petitioner for the 100 square yard of land is substantially lower than the market rate. This allotment of additional land is to the advantage and gain of the petitioner. The petitioner had originally applied for 300 square yards of land and an additional area of 100 sq.yds.has now been allotted to him. The price is charged as on the date of allotment and is a reasonable price. 1997 rates cannot be charged as there was litigation by third parties and even stay orders were passed. Writ Petition filed by Analog Systems was disposed of in May, 2006 and thereafter allotments were made and possession was given. Rates as applicable in 2007-08 have been charged for the additional area. I see no reason to interfere with the present price charged. The writ petition is accordingly dismissed. It is, however, noted that the petitioner is already in possession of the industrial plot. The petitioner is given liberty to apply for NOC to carry out construction on the land.

SANJIV KHANNA, J.

**NOVEMBER 06, 2009
VKR/P**