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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Cont. Cas. (C) No.133 of 2009

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05.03.2010

DHARAM SINGH

.....Petitioner

Through: Mr. Sumit Bansal , Mr. Manish Paliwal and
Mr. Ateev Mathur, Advocates.

Versus

ASHOK KUMAR & ORS.

.....Respondents

Through: Mr. Ajay Verma and Mr. Amit Mehra,
Advocates for DDA.

Date of Reserve: 3rd March, 2010

Date of Order: 5th March, 2010

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

J U D G M E N T

1. By this contempt petition, the petitioner has asked the court to proceed against the respondents for contempt on the allegation that the respondents have defied the directions given by court in its order dated 28th March, 2008. The relevant part of the directions read as under :-

“7. In these circumstances, it is directed that DDA will allot a plot to the petitioner measuring 100 square meters or above but within the entitlement of the petitioner in Dwarka, Phase-I. If no plot of land is available in Dwarka Phase-I, he will be allotted a plot in Dwarka Phase-II. In case the plot to be allotted to the petitioner is more than 100 square meters, the cost price of the said additional land will be charged in terms of the policy of the DDA. The petitioner has already paid for 100 square meters of land as per the fixed rate prevailing in the year 1999-2000. The petitioner will not pay extra amount for the said 100 square meters. However, no interest will be paid to the petitioner on the amount deposited. The

aforesaid allotment will be completed within a period of six weeks from today.”

2. It is not disputed by the petitioner that an allotment letter dated 26th February, 2010 has been issued by the respondents and in terms of the directions given by the court. The amount already paid by the petitioner for 100 square meters of land was considered as good payment for 100 square meters. However, since the plot allotted to the petitioner measured 125 square meters of land, the petitioner was to pay the amount as per policy of DDA for the additional land. The allotment letter specifically requests the petitioner to deposit additional amount for only 25 square meters of area of land @ 18,458/- per square meter in terms of the policy of DDA which was a pre-determined rate as approved by DDA for the year 2009-2010.

3. The contention of counsel for the petitioner is that the order was passed by this court on 28th March, 2008 directing the respondents to comply with the order within six weeks. Had the order been complied with by DDA within six weeks from 28th March, 2008, the petitioner would have had to pay rate as per the policy of DDA applicable for the year 2008-2009 and not for the year 2009-2010. Since the DDA failed to comply with the order as per directions of the court, the petitioner is made to pay additional amount.

4. A perusal of counter affidavit filed by the respondent shows that after the petition was disposed of, the respondent searched for a plot in Phase-I, Dwarka in terms of the order. Since no plot was available under Phase-I, the petitioner was informed that his name would be considered for next ensuing draw as per policy of DDA for Phase-II, Dwarka. It is submitted that in terms of the policy of DDA, a minimum of ten plots were

required to be available for conducting a mini draw. The Authority had also to send copies of recommendation letters to L & DO for verification and confirmation of date of taking over of possession of acquired land since the seniority is assigned on the basis of date of taking over of possession of the acquired land. A feasibility report is also to be requisitioned from the Engineering Department. The Engineering Department informed DDA that the plots have not been demarcated due to court cases and efforts were being made to have the issue resolved so that plots are demarcated. It is stated that compliance could not be done within six weeks because of these reasons and there was no intentional delay on the part of respondents. The moment the respondents got the necessary formalities completed, draw of plots was done and the petitioner was allotted the plot.

5. I consider that the delay which occurred on the part of respondents was not a willful delay, therefore, no contempt is made out. The petitioner was supposed to make payment for excess land in terms of the current policy of the DDA when the allotment was made. I find no force in the petition. The petition is hereby dismissed.

SHIV NARAYAN DHINGRA J.

MARCH 05, 2010
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