

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

Date of decision: 22nd November, 2010.

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W.P.(C) No.12453/2006

M/S CHAWLA HIGHWAY CARRIERS PETITIONER

Through: Mr. S.D. Ansari, Advocate.

Versus

MUNICIPAL CORPORATION OF DELHI RESPONDENT

Through: Ms. Saroj Bidawat & Mr. Hari Om
Sharan, Advocates

CORAM :-

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | No |
| 2. | To be referred to the reporter or not? | No |
| 3. | Whether the judgment should be reported in the Digest? | No |

RAJIV SAHAI ENDLAW, J.

1. The petition seeks a direction to the respondent MCD to allot a plot measuring 220 sq. mtrs. at the rate of ₹400/- per sq. mtr. to the petitioner. It is the case of the petitioner that he had been running his transport business at Sadar Bazar, Delhi; that he had in the year 1984 applied for allotment of plot / premises in Sanjay Gandhi Transport Nagar (SGTN), Samaypur Badli, New Delhi for shifting his business thereto; that the booking was made for a plot measuring 220 sq. mtrs. and an amount of ₹25,000/- deposited therefor; that he paid further monies thereafter as and when demanded but was informed of allotment of plot measuring 110 sq. mtrs. instead of 220 sq. mtrs. and that too at the rate of ₹4,500/- per sq. mtr. Though the petitioner had also applied for interim relief of being put into possession of a plot measuring 220 sq. mtrs. but the said application was withdrawn on 21st April, 2009.

2. It was enquired from the counsel for the petitioner as to what was the basis of his claim for a plot of 220 sq. mtrs. or at the rate of ₹400/- per sq. mtr. The petitioner along with his petition besides the copies of certain receipts of payment has filed copy of a letter dated 20th February, 1986 where neither the size of the plot nor definite rate is mentioned. The only other document is the letter of 15th March, 2005 allotting plot of approximately 110 sq. mtrs. at the rate of ₹4,500/- per sq. mtr. to the petitioner.

3. The respondent MCD in its counter affidavit has pleaded that it had in the year 1984 invited applications from persons engaged in the transport and allied business for allotment of plots in SGTN with a view to decongest the city therefrom; that applications were invited for two categories i.e. for Godown and Workshop Plots and for Shop Plots; no size of the plots to be allotted was given; that the petitioner got himself registered in the Godown and Workshop category for which ₹25,000/- was to be deposited, the amount required to be deposited for Shop Plots being ₹15,000/-; that respondent MCD finally vide its Resolution No.610 dated 21st February, 2005 decided that plots measuring 110 sq. mtrs. shall be allotted to the applicants for Godown and Workshops and who had deposited ₹25,000/- as registration money and plots admeasuring 14.7 sq. mtr. to 20 sq. mtr. would be allotted to applicants for Shop Plots who had deposited ₹15,000/- as registration money. It is further denied that there was any agreement qua rate; the rate was to be worked out on the basis of the cost of land paid to DDA and actual expenses to be incurred on development and on no profit no loss basis.

4. Though the petitioner has filed a rejoinder but has been unable to rebut the contentions in the counter affidavit.

5. The respondent MCD has filed an additional affidavit stating that the Scheme of SGTN was originally envisaged in the year 1976 but was

shelved; that later on land was made available on leasehold basis and applications for allotment of plots revived; that was phase I of the Scheme and pursuant to Draw of Lots on 27th December, 1986 land at the rate of ₹425/- per sq. mtr. besides electrification charges was allotted. It is further pleaded that subsequently when additional land was handed over fresh applications were invited in the year 1984 and the rates fixed by the Screening Committee as aforesaid.

6. There is no basis for the claim of the petitioner for a plot of 220 sq. mtrs. or at the rate of ₹400/- per sq. mtrs. The petitioner deduces 220 sq. mtrs. from the figures mentioned in letter dated 20th February, 1986 (supra). However, all figures / parameters then were tentative and before actual working by appropriate authority of MCD. In fact the eligibility of applicants to allotment had also not been determined. No right can be based on such a document. Moreover, subsequently standard terms were laid down for all applicants and it is not as if the petitioner has been singled out. As on 20th February, 1986 there was no binding agreement even between the parties and the application of petitioner for allotment had not even been accepted. Ultimately offer was made of a plot of 110 sq. mtrs. at the rate of ₹4,500/- per sq. mtrs.

7. There is no merit in the petition. The same is dismissed. No order as to costs.

**RAJIV SAHAI ENDLAW
(JUDGE)**

22nd November, 2010

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(corrected & released on 7th December, 2010)