

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

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Date of Decision: 21.05.2013

+ W.P.(C) 2119/2013

PAL

..... Petitioner

Through: Mr Sagar Dawar, Adv.

versus

D.D.A. AND ORS

..... Respondent

Through: Mr Rajiv Nanda, Additional Standing Counsel
for Government of NCT of Delhi
Ms Amita Singh, Adv for DDA
Mr Rajiv Nanda, Adv for SDM

And

+ W.P.(C) 2123/2013
SINDHA

..... Petitioner

Through: Mr Sagar Dawar, Adv.

versus

D.D.A. AND ORS

..... Respondent

Through: Mr Rajiv Nanda, Additional Standing Counsel
for Government of NCT of Delhi
Mr Rajiv Nanda, Adv for SDM
Ms Shobhana Takiar, Adv for DDA

And

+ W.P.(C) 2129/2013
DEVINDER KUMAR

..... Petitioner

Through: Mr Sagar Dawar, Adv.

versus

D.D.A. AND ORS

..... Respondent

Through: Mr Rajiv Nanda, Additional Standing Counsel
for Government of NCT of Delhi
Mr Rajiv Nanda, Adv for SDM
Ms Shobhana Takiar, Adv for DDA

And

+ W.P.(C) 2130/2013

REKHA RANI

..... Petitioner

Through: Mr Sagar Dawar, Adv.

versus

D.D.A. AND ORS

..... Respondent

Through: Mr Rajiv Nanda, Additional Standing Counsel
for Government of NCT of Delhi
Mr Kamal Nijhawan, Adv for DDA
Mr Rajiv Nanda, Adv for SDM

CORAM:

HON'BLE MR. JUSTICE V.K.JAIN

JUDGMENT

V.K.JAIN, J. (ORAL)

CM No.6396/2013 in W.P (C) No. 2119/2013, CM No. 6395/2013 in W.P.(C) No. 2123/2013, CM No. 6393/2013 in W.P.(C) No. 2129/2013 and CM No. 6394/2013 in W.P.(C) No. 2130/2013 (all under O. 10 of R-10)

The learned counsel for the applicant on instructions seeks leave to withdraw the applications.

Dismissed as withdrawn.

W.P (C) No. 2119/2013, W.P.(C) No. 2123/2013, W.P.(C) No. 2129/2013 and W.P.(C) No. 2130/2013

Sometime in the year 2000, a scheme was introduced for allotment of residential flats by DDA to the migrants from Punjab. The petitioners before this Court who claim to be such immigrants also applied for allotment of a residential flat under the said scheme and deposited the requisite registration money. On receipt of demand letter from DDA, the balance amount towards price of the flat was deposited by these petitioners with DDA.

2. A letter was sent by respondent No. 3-SDM (West), Punjabi Bagh, New Delhi to DDA. The said letter, to the extent it is relevant, reads as under:

“It has been brought to my notice that serious malpractices have been alleged in the above mentioned allotment dated 20.8.2008. It is informed that original allottees are not presently in possession of the NOCs issued from this office and the individuals applying for physical possessions are not original allottees but middlemen and dealers. This defeats the very purpose of this scheme as the benefit does not reach the individuals for which it is meant.

In light of the above, it is suggested that before handing over the physical possession to all the above mentioned allottees, they should be directed to approach the office of the undersigned for proper verification of their documents/ claims. Physical possession should not be given in any of the above cases without such verification.

Further, it is requested that all the names and addresses of the successful allottees for the above

mentioned draw may kindly be sent to the undersigned for proper re-verification.”

The aforesaid letter was followed by another letter dated 03.10.2009, requesting DDA that pending inquiry the possession/allotment of flat shall not be made till further orders.

3. The grievance of the petitioners is that though they deposited prices of the flat with DDA more than three years ago, the possession of the allotted flat is not being given to them on account of instructions issued by respondent No. 3 to DDA not to handover the possession to them. In its counter-affidavit, the respondent-DDA has stated that allotment to Punjab Migrants under the aforesaid scheme was made by it after getting recommendation for allotment from SDM (West), Punjabi Bagh, who after verifying the genuineness of the applicants as migrants from Punjab and their eligibility under the said scheme issued the recommendation letters. It is further stated in the counter-affidavit of DDA that before the possession letter could be issued, the above-referred letter dated 30.03.2009, followed by the letter dated 03.10.2009, was received from SDM (West), Punjabi Bagh, as a result of which the possession of the flat could not be allowed. It is also stated in the counter-affidavit of DDA that the matter was being investigated by the Economic Offences Wing of Delhi Police.

4. In his short affidavit, SDM (West), Punjabi Bagh has stated that pursuant to complaints received from various individuals/organization regarding procurement

of allotments made to Punjab migrants on the basis of forged and fabricated documents as well as double/triple/multiple allotment to individual migrants and group of persons, the matter was discussed in a meeting convened by Chief Secretary, Delhi where it was decided that with regard to the allegations of double/triple/multiple allotment to an individual or a group of persons, DDA will obtain Adhar Cards from the allottees to ensure that no double/triple/multiple allotment was made and thereafter it will furnish a certificate of Government of NCT of Delhi in this regard. It was also decided that Economic Offences Wing shall also take cognizance of the complaints and investigate the matter. Pursuant to the decisions taken in the aforesaid meeting on 03.10.2012, letters were written to concerned officers of DDA and Crime Branch though desired progress could not be achieved as a result of which even genuine allottees are facing difficulties in obtaining possession.

5. It would thus be seen that neither DDA nor SDM (West), Punjabi Bagh wants to deny possession of the flats to the genuine allottees. The only concern of SDM (West), Punjabi Bagh seems to be to ensure that more than one allotments are not made against the same set of documents and only genuine and duly verified migrants are able to get possession of the flats from DDA, such allotment being a welfare scheme meant for rehabilitation of those who have migrated from Punjab. The concern shown by SDM (West), Punjabi Bagh is genuine and needs to be

taken into consideration. But, simultaneously, it is also to be ensured that genuine allottees do not suffer merely on account of certain complaints received by the SDM (West), Punjabi Bagh, which may or may not be factually correct. In these circumstances, with a view to ensure that genuine allottees do not suffer any more and at the same time, no malpractice is allowed to prevail in the matter of allotment of flats under the said scheme, the writ petitions are disposed of with the following directions:

- 1) the petitioners shall appear before Director (Housing) of DDA at 03.00 PM on 27.05.2013 in office at Vikas Sadan, INA, New Delhi along with all the original documents, including original registrations slips, original challans, original demand letter and proof of their identify as well as their present address. The SDM (West), Punjabi Bagh shall also remain present at that time along with relevant files. After carrying out necessary verifications including the genuineness and identify of the allottee, the possession of the flat allotted to him shall be delivered within four weeks of such verification provided all other necessary formalities in this regard are completed. DDA before issuing possession letter will also verify that the payment in terms of the demand letter was made within the time stipulated in this regard in the said letter;
- 2) The SDM (West), Punjabi Bagh shall also help in the process of verification to be carried out in terms of this order.

- 3) The original NOC which has been submitted to DDA shall also be verified at the time of the aforesaid hearing;
- 4) DDA shall also ensure that not more than one allotment is made against one set of documents and there has been no breach of the terms of the Scheme, by the allottee.
- 5) Handing over possession in terms of this order shall not affect the investigation by Delhi Police.

The writ petition stands disposed of.

Dasti under the signatures of Court Master.

V.K. JAIN, J

MAY 21, 2013

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