38 to 43

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

38.

\+ W.P.(C) 4623/2013

RAMESH KUMAR ..... Petitioner

Through: Mr. Sagar Dawar, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY AND OTHERS ..... Respondents

Through: Ms. Shobhana Takiar, Advocate for DDA.
Ms. Kittu Bajaj, Advocate for respondents No.2 to 4.

With

39.

\+ W.P.(C) 4624/2013

SANJAY ..... Petitioner

Through: Mr. Sagar Dawar, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY AND OTHERS ..... Respondents

Through: Ms. Shobhana Takiar, Advocate for DDA.
Mr. Subodh Kumar, Advocate for respondents No.2 to 4.

With

Signature Not Verified
Signing Date:11.09.2024 17:07:03
Certify that the digital and physical file have been compared and the digital data is as per the physical file and no page is missing.

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40.

\+ W.P.(C) 4625/2013

SURJEET KUMAR ..... Petitioner

Through: Mr. Sagar Dawar, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY AND OTHERS ..... Respondents

Through: Ms. Shobhana Takiar, Advocate for DDA.
Mr. Rakesh Mittal, Advocate for respondents No.2 to 4.

With

41.

\+ W.P.(C) 4626/2013

SANTO ..... Petitioner

Through: Mr. Sagar Dawar, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY AND OTHERS ..... Respondents

Through: Ms. Shobhana Takiar, Advocate for DDA.
Mr. Subodh Kumar, Advocate for respondents No.2 to 4.

With

3

42.

\+ W.P.(C) 4627/2013

BARKHA RANI ..... Petitioner
Through: Mr. Sagar Dawar, Advocate.

versus

DELHI DEVELOPMENT
AUTHORITY AND OTHERS ..... Respondents
Through: Ms. Shobhana Takiar, Advocate for DDA.
Mr. Rakesh Mittal, Advocate for respondents No.2 to 4.

And

43.

\+ W.P.(C) 4628/2013

VIJAY KUMAR ..... Petitioner
Through: Mr. Sagar Dawar, Advocate.

versus

DELHI DEVELOPMENT
AUTHORITY AND OTHERS ..... Respondents
Through: Ms. Shobhana Takiar, Advocate for DDA.
Ms. Kittu Bajaj, Advocate for respondents No.2 to 4.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

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ORDER

% **24.07.2013**

Present batch of writ petitions have been filed for issuance of a direction to the respondents to hand over possession of flats in Rohini and Dwarka under the Rehabilitation Scheme for Punjab migrants.

It is the case of the petitioners that though they had been allotted flats under the aforesaid Rehabilitation Scheme and have paid the entire amount asked for by Delhi Development Authority, yet they have not been allotted flats on the basis of letters dated 30th March, 2009 and 03rd October, 2009 written by the SDM. The letters of 30th March, 2009 and 03rd October, 2009 are reproduced hereinbelow:-

Letter dated 30th March, 2009

> *"OFFICE OF THE SUB-DIVISIONAL MAGISTRATE (PUNJABI BAGH) MAIN ROHTAK ROAD, NANGLOI, DELHI-110 041*
>
> *1(1) SDM(PB)/2009/752-53* *DATED 30/3/2009*
> *The Commissioner (Housing)*
> *Delhi Development Authority*
> *INA, Delhi.*
>
> *Sub: Request for with holding the grant of possession of 224 flats.*
>
> *Madam,*
>
> *It has been brought to my notice that serious mal practices have been alleged in the above mentioned allotment dated 20.08.2008. 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 middle men 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 abovementioned 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.

Sd/-
(AASHISH MOHAN)
SDM(PB)"

Letter dated 03rd October, 2009

"OFFICE OF THE SUB-DIVISIONAL MAGISTRATE: PUNJABI BAGH
MAIN ROHTAK ROAD, NANGLOI, DELHI-110 041

No. SDM(PB)/PGRC/2009-10/2259 *DATED: 03/10/2009*

To

The Director (Housing)-II,
DDA (Housing Department),
Vikas Sadan,
New Delhi.

Sub: Regarding issue of possession letter to the successful allottee for the draw held on 20.09.2008 under HSRPM.

Sir,

In pursuance of Deputy Commissioner (West), GNCT of Delhi letter No.PA/DCW/2009/2318 dated 25.09.2009 (copy enclosed), I am directed to inform you that pending enquiry the possession/allotment of flats shall not be made till further orders.

This may be accorded Top Priority.

Yours faithfully,

Sd/-
(AASHISH MOHAN)
Sub-Divisional Magistrate
Sub-Division, Punjabi Bagh"

Learned counsel for petitioners states that in an identical petition being W.P.(C) 4567/2011 filed by another co-allottee Ms. Sunita, this Court directed respondent-DDA to hand over possession of the flat. The relevant portion of the orders dated 08th January, 2013 and 01st March, 2013 passed in W.P.(C) 4567/2011 are reproduced hereinbelow:-

Order dated 08th January, 2013

"5. *Affidavits have not been filed by the Respondent Nos.2 to 4 till date nor anyone appears on their behalf except a Superintendent from the SDM Office, Punjabi Bagh. In the circumstances, it is abundantly clear that the orders of this Court are not being heeded by the Respondents. A status report has, however, been filed by the Respondent No.3 instead of an affidavit. As per the said status report, the possession of flats to the successful allottees of allotment draw No.201 dated 20th August, 2008 held by the DDA was withheld by the DDA at the instance of the then SDM, Punjabi Bagh – Shri Ashish Mohan, who suggested to DDA vide his letter No.F1.(1)/SDM, Punjabi Bagh/2009/752-53 dated 30th March, 2009 that before handing over physical possession to the allottees they should be directed to approach the SDM for proper verification of their documents/claims and physical possession should not be given in any of the cases without such verification in view of the fact that the Economic Offences Wing of Delhi Police was investigating case FIR No.191 of 2006 under Sections 419/420/467/468/471/120B IPC, Police Station K.M. Pur, New Delhi on the issue of alleged irregularities in the allotment. It is further stated in the said status report that thereafter vide letter No.823/R-ACP/ALBR-I/EOW Crime Branch, Delhi dated 20.12.2011, it has been informed that the investigation in the aforesaid case does not cover draw No.201 of 2008.*

6. *In view of the aforesaid, it is more than apparent as even otherwise it ought to have been to the Respondent/DDA, that investigation of a case in 2006 could not have taken into account draw of lots held in the year 2008. The Economic Offences Wing could hardly be expected to investigate in 2006 a draw of lots which took place two years later in the year 2008. In the circumstances, DDA is directed to allot the flat to the Petitioner within a period of three weeks from today, failing which the Director [Mr. A.K. Vasisht, Director (Housing-II)] shall remain present in person on the next date. Verification shall be completed within ten days from today.*

Order dated 01st March, 2013

"1. Learned counsel for the Respondent No.1/DDA states on instructions that Flat No.5, Ground Floor, Pocket-15, Sector-22, Rohini, Delhi has been allotted to the Petitioner pursuant to the order dated January 08, 2013 and the possession of the said plot has been handed over to the Petitioner. It is also stated that the Conveyance Deed will be executed within 15 days. Nothing further survives to be considered in the present petition.

2. W.P.(C) No. 4567/2011 stands disposed of accordingly."

Keeping in view the aforesaid orders as well as the fact that the allotment of flats to petitioners and investigation has been pending for the last nearly seven years, this Court is of the view that SDM should verify the documents filed by the petitioners within a period of twelve weeks and furnish his report to the DDA. The DDA in turn, is directed to process the papers within a period of eight weeks thereafter.

It is made clear that in the event the SDM does not furnish his report within the aforesaid stipulated period, the DDA would independently process the documents and take a decision in accordance with law.

Needless to say, petitioners would cooperate with the SDM as well as the DDA.

With the aforesaid directions, present petitions stand disposed of.

Order dasti.

MANMOHAN, J

JULY 24, 2013
js