

**R-14**

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

+ W.P.(C) 8190/2004

S.K. RUNGTA

..... Petitioner

Through: Petitioner in person.

versus

UOI AND ANR.

..... Respondents

Through: Mr. Arun Birbal, Standing Counsel  
with Mr. Sanjay Singh, Advocate for  
DDA.

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Date of Decision : 26<sup>th</sup> August, 2015

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

### **J U D G M E N T**

**MANMOHAN, J: (Oral)**

1. Mr. S.K. Rungta, learned senior advocate and petitioner in person fairly states that the issues raised in the present petition are covered by the Division Bench's judgment dated *20<sup>th</sup> March, 2013* in *All India Confederation of Blind Vs. UOI & Anr., W.P.(C) 7487/2008*.
2. However, Mr. Rungta states that as he had been issued allotment and granted possession in the year 2000, the restrictions imposed in the 2006 Policy are not applicable to him.
3. On the other hand, Mr. Arun Birbal, learned counsel for respondent states that there are no such pleadings to this effect.

4. Having perused the paper book, this Court finds that there is no ground claiming that the Policy of 2006 is not applicable to the petitioner. In any event, this Court is of the view that the restrictions imposed by DDA on sale/transfer of plots allotted under the preferential criteria like physically handicapped is legal and reasonable as allottees who are allotted flats under the preferential quota should make use of the said quota and the flats earmarked for a particular category should not go back to the General category. If this is allowed, the entire purpose of giving benefit by way of a quota/preferential allotment quota would be defeated.

5. This Court is of the view that as land in Delhi is scarce and very expensive, the original allottees under the preferential quota out of poverty or lack of education may not be able to retain an inter-generational asset which is capable of changing not only theirs but also their successive generations life. After all, no one can deny that housing is one of the basic needs of any individual.

6. Even the Division Bench in ***All India Confederation of Blind Vs. UOI & Anr.*** (supra) has made similar observations. The relevant portion of the Division Bench judgment is reproduced hereinbelow:-

*“16. In the writ petition, the petitioner also seeks to challenge the restriction, which the policy framed by the respondents imposes upon the Persons with Disabilities, prohibiting them from transferring the flat/plot obtained by them from DDA for a period of 15 years. The contention is that even in case of financial need, a Persons with Disability is not able to sell the plot/flat obtained by him, which sometimes, may cause grave hardship to such persons. The objective behind placing such a restriction, while making such preferential/concessional allotment, is to ensure that unscrupulous persons are not able to take advantage of the Scheme by earning huge profits by selling the plot/flat obtained from DDA at a higher price. In the absence of such a restriction, unscrupulous persons may be encouraged to misuse the Scheme by persuading Persons with*

*Disabilities to obtain allotment at concessional rates and on preferential basis and then sell the flat/plot at higher price.”*

7. Accordingly, this Court finds no merits in the said submission. Consequently, present writ petition is disposed of in accordance with the aforesaid Division Bench’s judgment.

**MANMOHAN, J**

**AUGUST 26, 2015**

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