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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 3333/2005

PAITRICK CLUB

..... Petitioner

Through: Mr. Ram Kumar, proxy counsel.

versus

D.D.A. & ANR

..... Respondents

Through: Mr. Sushil Dutt Salwan, Advocate.

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Date of Decision : 08th December, 2015

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Today again, a request for an adjournment is made on the ground that petitioner's main counsel is unwell.
2. On the last date of hearing, this Court while granting adjournment at petitioner's request had made it clear that no adjournment would be granted today.
3. Consequently, at first call the request for adjournment was declined and matter was passed over to enable the petitioner's proxy counsel to prepare the case.
4. Even at the pass over stage, proxy counsel for petitioner only prays for an adjournment on the ground that a senior counsel had been briefed who is unavailable today.

5. Keeping in view the last order wherein it was specifically stated that no further adjournment would be granted, this Court has no other option, but to proceed ahead with the matter.
6. It is pertinent to mention that by way of the present writ petition filed in the year 2005 petitioner seeks allocation of an earmarked/recommended plot of land to the petitioner as a Community Hall.
7. However, the said request was declined by the respondent stating that the aims and objectives of the petitioner society were of a Club and the requirement was also for a Club and not a Community Hall. It is averred by the respondents in their counter affidavit that the Club land can only be allocated by way of an auction.
8. During the pendency of the proceedings, respondent-DDA's policy even with regard to the allocation of land for Community Hall has undergone a change. Today, land for Community Hall can be allocated only by way of an auction.
9. In fact, on 20th February, 2015 while restoring the present writ petition which had been dismissed in default, my learned Predecessor had passed the following order:-

“3. It is found that the writ petition has been filed seeking allotment of institutional land for the purposes of the club.

*4. It prima facie appears that the writ petition would now no longer be maintainable in view of the rules relating to allotment of institutional land having undergone a change and this Court in **Bhagwan Mahavir Education Society (Regd.) Vs. DDA MANU/DE/0968/2011, Sunhill Educational Society (Regd.) Vs. DDA MANU/DE/2531/2012 and Venkateshwar Education & Medical Society (Regd.) Vs. DDA MANU/DE/5728/2012** having held that the allotments have to be guided by the changed rules.*

5. However neither counsel is prepared to address on the merits.”

10. This Court has also perused the judgment of a Division Bench of this Court in ***Bhagwan Mahavir Education Society (Regd.) and Anr. Vs. DDA & Ors., W.P.(C) 2459-60/2005*** decided on ***25th March, 2011*** and is of the opinion that the present petition is clearly covered by the same. In view thereof, present writ petition is dismissed.

MANMOHAN, J

DECEMBER 08, 2015

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