

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

Date of decision: 13th July, 2012

+ **LPA No.501/2012**

% **DELHI ADMINISTRATION** **....Appellant**
Through: Mr. V.K. Tandon, Adv.

Versus

SH. NARAIN SINGH & ANR. **..... Respondents**
Through: None.

CORAM :-

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

JUDGMENT

RAJIV SAHAI ENDLAW, J.

1. This intra-court appeal impugns the order dated 31.10.2011 of the learned Single Judge in W.P.(C) No.4836/1993 preferred by the two respondents. Though the appeal is accompanied with an application for condonation of 201 days delay in preferring the same and we are unable to find in the application any sufficient reason for such delay but we have also considered the appeal on merits.

2. It is not in dispute that the two respondents, under the aegis of the then 20 Point Programme of the Government *inter alia* to provide shelter to the economically weaker and backward sections of the society were issued letters dated 20.11.1983 of allotment of plots of land ad-measuring 120 sq.yds. each, in village Rangpur. However such allotment remained on paper only, without the actual physical possession of the plots of land being

delivered to the respondents. It is for this reason that the writ petition from which this appeal arises was filed, seeking mandamus for being put into possession of the allotted plots.

3. The appellant contested the writ petition contending that the allotment letters were issued without approval of the Competent Authority and as such the question of delivery of possession of the plots did not arise.

4. The learned Single Judge has held the aforesaid defence of the appellant, of mere issuance of allotment letter under the 20 Point Programme of the Government not conferring any right on the respondents, to be shocking. It has further been held that the legitimate expectation of the respondents cannot be frustrated by the appellant particularly when it is not the case of the appellant that the allotment in favour of the respondents is fraudulent. It has further been held that the appellant cannot take benefit of its own wrong and ought to have, prior to the issuance of the letter of allotment, taken the necessary approval. The appellant has been held to be having not only legal but also social obligation to honour its commitment.

5. The learned Single Judge accordingly disposed of the writ petition with a direction to hold an inquiry to determine as to why previous sanction was not accorded / obtained prior to issuance of allotment letters and to identify the land which can now be made available to the respondents. A time of three months has been given in this regard.

6. The counsel for the appellant before us also has raised the same argument, of the allotment being without the requisite sanctions. We however refuse to go into the said question. We are in tandem with the learned Single Judge. It is sufficiently borne out from the record that the letters of allotment aforesaid were delivered to the respondents amidst much

fanfare at a public function held on 09.04.1986 and photographs of which public function have been filed. The said photographs depict a proclamation, then by the appellant to the public at large, of the allotments being in implementation of the then 20 Point Programme of the appellant government. It is evident that the appellant and / or the political parties then ruling the appellant, drew mileage out of such welfare schemes and perhaps also won elections on such pedestal. When it is not the case of the appellant that the respondents have been found undeserving of a plot or that there is any other wrong in the allotment in favour of the respondents, we fail to understand as to how the appellant can now renege. We do not find any error whatsoever in the course of action adopted by the learned Single Judge and do not find any merit in this appeal and dismiss the same.

7. The counsel for the appellant at this stage seeks extension of time for complying with the order of the learned Single Judge. Though, as aforesaid there is no reason for non compliance with the order till date and / or even for delay in preferring this appeal, but we still grant further three months time from today to the appellant for the said purpose, in the hope that the appellant will not keep the respondents waiting any further.

No costs.

RAJIV SAHAI ENDLAW, J

ACTING CHIEF JUSTICE

JULY 13, 2012

‘gsr’