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

Judgment delivered on: 20th April, 2015

+ W.P.(C) 8828/2011

SURENDER KUMAR

..... Petitioner

Represented by: Ld. Counsel (Appearance
not given)

Versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Represented by: Mr. Arun Birbal and
Mr. Sanjay Singh, Advs. for DDA.
Mr. R.V. Sinha and Mr. A.S. Singh, Advs.
for CBI.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. The present petition has been filed for allotment of the plot measuring 25 Sq. Yds. to the petitioner under Resettlement Scheme of the respondent against the then Cluster (Jhuggi) No. B-149, Outram Line, Kingsway Camp, Delhi.
2. Ld. Counsel appearing on behalf of the petitioner submits that the petitioner is a physically handicapped person to the extent of 70% and at present to sustain his livelihood, he is selling slippers on the footpath in Delhi.

3. The petitioner's family migrated to Delhi during partition. In the year 1986, for the purpose of reallocation / resettlement of the persons who were residents of the afore-mentioned cluster, the respondent conducted a survey on the cluster. The respondent's official uprooted / demolished the cluster of the petitioner and handed over a demolition slip B-149 to him. In the demolition slip, a number 190 was allotted, which established that the petitioner was a resident of the then cluster known as "Kingsway Camp".

4. Ld. Counsel further submitted that the petitioner vide receipt no. 284584 dated 21.08.1989 through Central Bank of India deposited a sum of Rs.3,000/- to the respondent / DDA in pursuance of the demolition of the petitioner's cluster and towards cost of reallocation of plot.

5. Thereafter, the petitioner vide letters dated 13.09.1991 and 03.02.1992 respectively requested the officials of the respondent to allot resettlement plot in pursuance of the amount deposited by him on 21.08.1989. Between the year 1992 and 2008, special messenger of the petitioner as well as the petitioner himself visited the office of the respondent on many occasions and requested the officials of the respondent for allocation of the plot under Resettlement Scheme and also made numerous correspondences with the respondent; however, there was no response from their side.

6. In the counter-affidavit filed on behalf of the DDA, it is stated that the CBI had mentioned that there was a scam involved.

Therefore, in pursuance of the proceedings dated 19.09.2012 and subsequent letters of DDA, CBI handed over copies of the survey registers to the officials of DDA on 03.01.2013. Further stated that CBI had seized total number of 33 survey registers and it was informed that out of the 33 Registers, 5 Registers have already been found forged through the assistance of CFSL. Copies of these 5 Registers were not made available to DDA as the same are stated to have been filed in Tis Hazari Courts in pursuance of the FIR no. RC-DAI-2007-A-0025. The copies of remaining 28 registers have been made available to DDA. It was seen from the survey register no. 11 provided by CBI that the name of Sh. Surender Kumar, S/o, Dwarka Nath exists at Sl. No. 190/5790, B-149, however, till date, the original record is retained by CBI.

7. It is further stated that the CBI had informed that the investigation in the matter is still not complete and the case continues to remain under enquiry. The CBI is unable to confirm the genuineness of the Register or entry.

8. It is further stated that till the investigation of the CBI is complete and his fate together with the result of CFSL is provided to DDA, the DDA is not in a position to verify the eligibility of the petitioner for allotment of plot under redevelopment scheme of Kingsway Camp.

9. I note, vide orders dated 18.07.2013 and 14.01.2015, this Court directed CBI to file status report in this respect. Accordingly,

the status report is on record, whereby it is stated that the case of the petitioner was never dealt by CBI in the aforementioned FIR. Hence, the question of giving any conclusion by CBI in the matter of the present petition does not arise. Moreover, the records as sought by DDA in CM. NO. 9372/2012 have already been provided to them.

10. Ld. Counsel appearing on behalf of the CBI submits that since the CBI is not seized with the matter, they have no objection, if the DDA allot the plot in favour of the petitioner.

11. In view of the above discussion, it is clear that the case of the petitioner was never been a part of the investigation of CBI and it is still with the DDA.

12. Since, the petitioner has deposited the complete amount, therefore, DDA is directed to allot a plot in favour of the petitioner as per his eligibility in the same area or in any part of Delhi within three months after due verification.

13. Accordingly, the petition is allowed with no order as to costs.

SURESH KAIT, J

APRIL 20, 2015

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