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

+ **W.P.(C) 4874/2015**

PYARE LAL

..... Petitioner

Through: Mr. Hemant Singh and Ms.Sadhana,
Advocates

versus

GOVT. OF NCT OF DELH & ORS

..... Respondents

Through: Mr. Peeyoosh Kalra, ASC for R-1 to 3
Mr. Arun Birbal and Mr. Sanjay Singh, Advocates
for R-4

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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18.05.2015

CM No.8810/2015 (Exemption)

1. Allowed subject to just exceptions.

W.P.(C) 4874/2015

2. Issue notice to the respondents.

3. Mr. Kalra accepts notice on behalf of respondent nos.1 to 3 while Mr. Birbal accepts notice on behalf of respondent no.4.

4. The learned counsels for the respondents waives service of notice. The learned counsel for the respondents also submit that they do not wish to file a counter affidavit in view of the fact that the issue raised in the petition is covered by the judgment of the learned single Judge of this court dated 21.05.2013, passed in a batch of writ petitions, the lead petition being: **WP**

W.P.(C) 4874/2015

page 1 of 3

(C) 2119/2013 titled : Pal Vs. DDA and Ors. and order dated 25.07.2014 passed in WP (C) 4587/2014 titled Anil Kumar Vs. Govt. of NCT of Delhi and Ors.

5. The operative directions contained in the two orders are similar, therefore, for convenience, the directions contained, only in, order dated 21.05.2013 are extracted hereinafter.

“..1) the petitioners shall appear before Director (Housing) of DDA at 03.00 PM on 27.05.2013 in office at Vikas Sadan, INA, New Delhi along with all the original documents, including original registrations slips, original challans, original demand letter and proof of their identify as well as their present address. The SDM (West), Punjabi Bagh shall also remain present at that time along with relevant files. After carrying out necessary verifications including the genuineness and identity of the allottee, the possession of the flat allotted to him shall be delivered within four weeks of such verification provided all other necessary formalities in this regard are completed. DDA before issuing possession letter will also verify that the payment in terms of the demand letter was made within the time stipulated in this regard in the said letter;

2) The SDM (West), Punjabi Bagh shall also help in the process of verification to be carried out in terms of this order.

3) The original NOC which has been submitted to DDA shall also be verified at the time of the aforesaid hearing;

4) DDA shall also ensure that not more than one allotment is made against one set of documents and there has been no breach of the terms of the Scheme, by the allottee.

5) Handing over possession in terms of this order shall not affect the investigation by Delhi Police...”

6. Accordingly, the writ petition is allowed with a direction to the respondents to apply the directions referred to hereinabove.

6.1 The petitioner will, thus, appear before the Director (Housing) of DDA on 28.05.2015 at 3.00 p.m. at their office located at Vikas Sadan, INA, New Delhi along with all the original documents, including original registrations slips, original challans, original demand letter and proof of his identity as well as his present address.

6.2 The SDM (West), Punjabi Bagh shall also remain present at that time along with relevant files. After carrying out necessary verifications including with regard to the genuineness and identity of the allottee, the possession of the flat allotted to him shall be delivered within eight weeks of such verification, provided all other necessary formalities in this regard are completed.

7. The remaining directions contained in the aforementioned orders shall, however, continue to apply mutatis mutandis and thus, bind the parties herein.

8. With the aforesaid directions in place, the captioned petition is disposed of.

RAJIV SHAKDHER, J

MAY 18, 2015

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