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

+ W.P.(C) 592/2015 & CM Appl. 1006/2015

DELHI KRISHAK SAMAJ Petitioner
Through: Mr. S.C. Singhal, Adv.

versus

DDA Respondent
Through: Mr. Sanjeev Sabharwal, Standing
Counsel, DDA

% Date of Decision : 6th January, 2016

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. The present writ petition has been filed with the following prayers:-

(i) That the Delhi Development Authority be directed to submit entire records to this Hon'ble Court for perusal regarding that how many shops were in existence at the time of passing of the Resolution dated 22.9.1980 (Annexure-P-2) by virtue of which the reservation was granted and how many shops they have reserved for the farmers and how many shops they have allotted to the farmers and thereafter the respondent be directed to fulfil the shortcomings of the shops so acquired to be reserved for farmers and further allotted/sell to general public be stopped till the quota is fully allotted to farmers.

(ii) That the respondent be further directed that after fulfilling the above quota the respondent would draw a seniority list of the farmers who are entitled for the allotment of the shops and in each such auction/sale the quota of 10% would be reserved for them without which no sale or auction is to be followed.

(iii) Any other order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the Petitioner and against the Respondent."

On 30th July, 2015, this Court had passed the following order:-

"Respondent-DDA is directed to place on record as to how many shops have been allocated under the Land Acquisition Category with effect from 2011 to date. The number of applicants whose applications for allocation of shops under the Land Acquisition Category are pending as on date shall also be intimated to this Court. Let the said affidavit be filed within eight weeks.

List on 14th December, 2015.

In the meantime, respondent-DDA is directed to strictly follow its Resolution No. 118 dated 22nd September, 1980 while allotting future shops.

Order dasti."

2. In pursuance to the said order, a status report has been filed on 14th October, 2015 in which it is stated as under:-

3. That in compliance of the order dated 30.07.2015 the answering respondent submits that vide Resolution No. 118 dated 22.09.1980, it has been decided that 10% shops are reserved for allotment on reserve prices to the individual whose land has been acquired. Allotment is made to a person in the same area/zone where the land has been acquired. Copy of relevant page of Hand book is annexed herewith marked as Annexure A-1.

4. That the answering respondent further submits that only one draw of allotment of shops under Land Acquisition Category has been conducted so far since the year 2011. There are 73 Nos. of shops/Vegetables Stalls/Platforms/Halwai

Shops/Commercial Shops/Flats/ kiosk/Informal Platforms/Stalls which have been allotted under Land Acquisition category since the year 2011. The draw for allotment of shops/platforms/kiosks/commercial shops/flats is conducted as per Resolution No. 118 dated 22.09.1980. Copy of year wise allotted shops, stall and the list of the same is annexed herewith marked as Annexure A-2.

5. That the answering respondent further submits that at present there is no pending application for allotment under Land Acquisition category. As per the policy, the allotment of shops is made through draw of lots and applications are called from the special categories i.e. Schedule Caste/Schedule Tribe/Land Acquisition category/War Widow/Physically Handicapped/FF and computerized draw is held. The successful applicants are allotted the shops and the registration money is refunded to the unsuccessful applicants.”

(emphasis supplied)

3. Since the petitioners have not even filed any application with the DDA for allotment of a commercial shop, the present writ petition and pending application are disposed of with liberty to the petitioners to apply for the same.

4. In the event, applications are received by the respondent-DDA, they shall be considered in accordance with law, and in particular, in accordance with DDA's own resolution no. 118 dated 22nd September, 1980.

MANMOHAN, J

**JANUARY 06, 2016
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