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

CM Nos.2724-26/2017 in
+ W.P.(C) 3401/2016

RAJU KAMAT Petitioner

Through : Mr. Zafar Sidique, Adv.

versus

GOVT OF NCT OF DELHI & ORS. Respondents

Through : Mr. Shrey Kumar, Adv. for Mr.
Sharat Kapoor, Adv. for R-1.
Mr. Parvinder Chauhan, Adv. for R-2.
Mr. Arun Birbal and
Mr. Sanjay Singh, Adv. for R-4.
Mr. L.B. Rai, Mr. Kartik Rai, Mr.
Syed Kamran Ali, Mr. Sumit Nagpal
and Mr. Vijay Awana, Adv. for R-5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **19.02.2018**

CM No.2724/2017 (recall of the order dated 25.4.2016), CM No.2725/2017 (interim direction) and CM No.2726/2017 (impeachment)

1. These applications have been filed in a disposed of writ

petition. The writ petition was filed by one, Mr. Raju Kamat, son of Shri Lochan Kamat. This writ petition was disposed of by this court on the very first date with the following observations : -

“Present writ petition has been filed seeking a direction to respondent nos.1 and 2 to hand over/deliver the possession of allotted plot no.514, Savda Ghevra, Delhi to the petitioner.

It has been averred in the petition that petitioner’s jhuggi was demolished by DDA in 1996 under the relocation plan/scheme and petitioner was allocated the aforesaid plot in the draw of JJ Cluster held on 6th May, 2010.

Learned counsel for the petitioner relies upon the order dated 8th August, 2014 passed by this Court in W.P.(C) 9133/2009.

Learned counsel for the petitioner states that petitioner has made several representations to the respondents to hand over the possession of the aforesaid plot, but no action has been taken till date.

Issue notice to respondent nos.1 and 2, the main contesting party.

Mr. Sharat Kapoor, Advocate accepts notice on behalf of respondent nos.1 and 2. He states that he has no objection if the present writ petition is directed to be treated as a representation to respondent no.2.

Keeping in view the aforesaid, present writ petition is directed to be treated as a representation to respondent no.2-DUSIB. CEO, DUSIB is directed to dispose of the same within eight weeks by way of a speaking order after giving an opportunity of hearing to the petitioner. The

reasoned order shall be communicated by registered post to the petitioner as well as to his counsel in the present case.

It is clarified that this Court has not expressed any opinion on the merits of the controversy and all rights and contentions of parties are left open.

With the aforesaid directions, present writ petition and applications stand disposed of.

Order dasti under signature of Court Master.”

2. To be noted, in the prayer made in the writ petition, Mr. Raju Kamat had sought a writ of mandamus or order, or direction from this court qua the respondents to handover/deliver possession of the allotted plot bearing No.514, Savda Ghevra, Delhi
3. Pertinently, the applicant, Mr. Raju Kant, son of Shri Lochan Mandal is claiming a right over the same plot which was the subject matter of the main writ petition i.e., WP(C) 3401/2016.
4. The non-applicant i.e., the original petitioner (Mr. Raju Kamat) has filed a reply to CM No.2724/2017 (i.e., the application for modification of the order dated 25.4.2011)
5. With the reply, order dated 10.3.2017, passed by the Delhi Urban Shelter Improvement Board (hereafter referred to as DUSIB) has been annexed. The operative part of the said order clearly discloses that the non-applicant's (i.e., the original petitioner/ Mr. Raju Kamat claim to possession of Plot bearing No.514, Savda Ghevra, Delhi, has been rejected.

6. Thus, if one were to have regard to the order of DUSIB, the captioned modification, in a sense, has been rendered infructuous.

6.1. According to DUSIB, the claim of the original petitioner/ Mr. Raju Kamat is not sustainable and that the plot, according to DUSIB, has been allotted to the applicant/Mr. Raju Kant, son of Shri Lochan Mandal.

6.2. For the sake of convenience, the operative part of the order dated 10.3.2017 has been extracted hereafter.

“(4) From the above, it is very much clear that the jhuggi of the applicant did not exist on the plot No. 187, Amar Jyoti Camp, Okhla, Ph-I. The plot No. K-514, Savdha Ghevra as claimed by the applicant was actually allotted in the name of Sh. Raju Kant s/o Sh. Lochan Mandal r/o S-181/B-3, New Sanjay Camp, Okhla and it is confirmed from the report submitted by the Executive Engineer, C-2 that the possession of the plot bearing No. K-514, Savda Ghevra was handed over to the allottee Sh Raju Kant s/o Lochan Mandal. As per filed inspection report sent by EEC-2 that “the plot no. K-514, Savda Ghevra is single storey constructed and found locked.”

(5) In view of the above and directions given by Hon’ble Delhi High Court dated 25/04/2016, the claim of the petitioner Sh. Raju Kamat S/o Lochan Kamat for handing over the possession of plot no. K-514, Savda Ghevra is not tenable and without any basis. Therefore, the claim is rejected.”

6.3 Consequently, CM. No. 2724/2017 is closed.

6.4. In these circumstances, in my view, no order needs to be

passed in the other two applications as well; these being application for impleadment (CM No.2726/2017) and application for interim directions (CM No.2725/2017). Resultantly, these applications are closed.

7. Needless to say, DUSIB will act in accordance with its order dated 10.3.2017.

RAJIV SHAKDHER, J

FEBRUARY 19, 2018

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