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

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W.P.(C) 6267/2016 & C.M.No.25636/2016

RAVINDER KUMAR

..... Petitioner

Through Mr.Mayank Mohan, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ORS ..... Respondents

Through Mr.Sanjeev Sabharwal with Mr.Hem  
Kumar, Advocates for DDA.  
Mr.R.A.Iyer, Advocate for GNCTD.  
Mr.Rahul Bakshi, Advocate for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

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**22.07.2016**

Present writ petition has been filed challenging cancellation of flat allotted to the petitioner under Draw No. 201/2008. Petitioner further seeks a direction to respondents to hand over peaceful possession of the flat no. 27, Sector 22, Pocket 16, Rohini, Delhi.

It has been averred in the petition that petitioner had been allotted the aforesaid flat under rehabilitation scheme of Punjab Migrants. It has been further averred in the petition that the petitioner had earlier filed a writ petition being W.P.(C) 9277/2014 and the same was disposed of vide order dated 12<sup>th</sup> August, 2015 whereby petitioner was directed to appear before the Director (Housing), DDA at 3.00 PM on 1<sup>st</sup> September, 2015 with all the original documents and further the respondents were directed to give the possession of the allotted flat within a period of eight weeks after carrying out necessary verification including the genuineness and identity of the allottee.

Learned counsel for the petitioner states that in compliance with the aforesaid order, petitioner appeared before the Director (Housing),

DDA and supplied all the required documents but possession has not been delivered to the petitioner till date. He further states the petitioner filed an RTI application dated 23<sup>rd</sup> February, 2016 seeking status of allotment of flat and the petitioner was informed vide reply dated 25<sup>th</sup> April, 2016 that the allotment of the flat made to the petitioner under Draw No. 201/2008 has been cancelled as the SDM, Punjabi Bagh has not recommended the petitioner's name for giving possession letter.

Learned counsel for the respondent/DDA has handed over a photocopy of recommendation dated 25<sup>th</sup> April, 2016 written by the Sub-Divisional Magistrate, Punjabi Bagh wherein he has stated that the petitioner is one of the Punjab Migrants who was not found genuine in the verification process conducted during the period w.e.f. 12<sup>th</sup> October, 2015 to 23<sup>rd</sup> October, 2015 and hence not recommended for giving possession of flat to the petitioner. The said recommendation of the Sub-Divisional Magistrate is taken on record.

Keeping in view the aforesaid facts, this Court is of the opinion that disputed questions of facts are involved, which cannot be adjudicated in the present proceedings. Consequently, the present writ petition and the application are disposed of with liberty to the petitioner to file an appropriate proceeding in accordance with law to challenge the recommendation of the Sub-Divisional Magistrate, Punjabi Bagh dated 25<sup>th</sup> April, 2016.

This Court, however, clarifies that it has not expressed any opinion on the merits of the controversy. Rights and contentions of all the parties are left open.

**MANMOHAN, J**

**JULY 22, 2016/KA**