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

+ W.P.(C) 6187/2016

S.P. BANSAL

..... Petitioner

Through Mr.Rakesh Mukhija, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY (DDA) Respondent

Through Mr.Arun Birbal with Mr.Sanjay Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **19.07.2016**

C.M.No.25358/2016

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

W.P.(C) No.6187/2016

Present writ petition has been filed seeking a direction to respondent-DDA to process and hand over the possession of plot bearing no. 469 admeasuring 60 sq. mtrs. in Pocket A-2, Sector 34, Rohini, New Delhi to the petitioner.

It is stated in the petition that petitioner applied for a plot under Rohini Residential Scheme in 1981.

It has been averred that petitioner's wife purchased a property bearing No. B-59, Ground Floor, Freedom Fighter Enclave, Neb Sarai, New Delhi – 110 068 admeasuring 41.80 sq. mtr. from open market in the year 2005. It has also been averred in the petition that petitioner has been allotted aforesaid plot no. 469 in Pocket A-2 in Sector 34, Rohini, New Delhi vide allotment letter dated 27th November, 2014.

Learned counsel for the petitioner states that respondent sent a show cause notice dated 27th January, 2016 asking the petitioner to show cause as to why the allotment of the aforesaid plot be not cancelled under Rule 17 of the Disposal of Developed Nazul Land Rules-1981 on the ground that petitioner is owner of the aforesaid Neb Sarai property admeasuring 1500 sq. fts. whose plot size is 200 sq. yds.

Learned counsel for the petitioner states the petitioner's wife has purchased only ground floor of the Neb Sarai property, which constitutes 1/4th undivided share in the land i.e. 41.80 sq. mtr. and not 1500 sq. fts. He further states that despite numerous requests, no response has been received from DDA to the reply to the show-cause notice.

Issue notice.

Mr.Arun Birbal, Advocate accepts notice on behalf of the respondent/DDA. He vehemently disputes the aforesaid facts and states that as the petitioner's wife has purchased the entire ground floor of the Neb Sarai property, the petitioner is the owner and in possession of land in excess of 65 sq. yrd.

In the opinion of this Court, as a reply to the show-cause notice has been filed by the petitioner and the proceedings are still pending adjudication, the present writ petition is disposed of with a direction to DDA to adjudicate upon show-cause notice within a period of eight weeks in accordance with law.

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

Order *dasti*.

MANMOHAN, J

JULY 19, 2016KA