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

+ **W.P.(C) 1370/2015**

**PRITHVI RAJ**

..... Petitioner

Through Mr.N.S.Dala with Mr.Devesh Pratap  
Singh, Advocates.

versus

**DELHI DEVELOPMENT AUTHORITY & ANR** ..... Respondents

Through Mr.Kunal Shrma, Advocate for R-2/  
DDA.  
Mr.Puneet Agrawal, Advocate for R-  
2.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

% **04.01.2017**

On 27<sup>th</sup> April, 2016, this Court had passed the following order:-

*“1. Arguments partly heard.*

*2. List for continuation of arguments on 27th May, 2016.*

*3. Learned counsel for the petitioner submits that the petitioner's land measuring 21 bighas and 8 biswas was acquired vide award No.23/87-88 dated 17<sup>th</sup> June, 1987 and in lieu thereof, respondent No.2 vide letter dated 17<sup>th</sup> June, 1988 (Annexure P-1) directed Delhi Development Authority to allot a plot measuring 250 square yards to the petitioner. However, vide letter dated 08th August, 1988 (Annexure P-2), Land and Building Department requested DDA to keep the letter dated 17<sup>th</sup> June, 1988 in abeyance without any justification. It is submitted that the Land and Building Department has taken the possession of the petitioner's land and the petitioner has received the compensation against the acquisition. It is further*

*submitted that the petitioner has not challenged the acquisition and, therefore, there is no justification for the letter dated 17<sup>th</sup> June, 1988 to be kept in abeyance.*

*4. Learned counsel for the petitioner submits that the allotment of the plots relating to the same village and same award has already been made in W.P.(C) 9067/2009 titled Col. Retd. Mahaveer v. Delhi Development Authority.*

*5. On consideration of the submission made by learned counsel for the petitioner, this Court prima facie does not find any justification for keeping the letter dated 17th June, 1988 in abeyance. More than 28 years have passed. The respondents are directed to re-consider justification in keeping the letter dated 17th June, 1988 in abeyance within a period of four weeks from today*

*6. The decision of the respondents and the relevant records be also kept available at the time of hearing.*

*7. Copy of this order be given dasti to counsels for the parties under signatures of the Court Master.”*

Thereafter, on 27<sup>th</sup> May, 2016, this Court had passed the following order:-

*“The respondents have not yet taken any decision in terms of the order dated 27<sup>th</sup> April, 2016.*

*Learned counsel for the respondent No.2 submits that Delhi Development Authority is not furnishing the information with respect to the possession of the said land.*

*The Delhi Development Authority shall furnish the requisite information to Land and Building Department within a period of two weeks from today whereupon the respondent No.2 shall take a decision in terms of the order dated 27<sup>th</sup> April, 2016 within a period of two weeks*

*thereafter.*

*List for considering the decision of the respondents on 28<sup>th</sup> September, 2016.*

*Copy of this order be given dasti to counsels for the parties under signatures of the Court Master.”*

On 18<sup>th</sup> November, 2016, this Court had passed the following order:-

*“The respondents are directed to file the compliance of the orders dated 27<sup>th</sup> April, 2016 and 27<sup>th</sup> May, 2016 on affidavit within a period of two weeks from today. The relevant original record shall be kept available at the time of the hearing.*

*List on 20<sup>th</sup> December, 2016.”*

Today learned counsel for the respondent-DDA has handed over a photocopy of the affidavit dated 20<sup>th</sup> December, 2016, wherein it is admitted that possession of the land in question was taken over by DDA on 16<sup>th</sup> July, 1987.

In view of the aforesaid affidavit, learned counsel for respondent no.2-Land & Building Department states that the letter dated 8<sup>th</sup> August, 1988 issued by Land & Building Department keeping the recommendation in petitioner's favour in abeyance shall be forthwith withdrawn. The statement made by learned counsel for respondent no.2-Land & Building Department is accepted by this Court and the said respondent is directed to withdraw the abeyance letter dated 8<sup>th</sup> August, 1988 within a period of two weeks.

Keeping in view the aforesaid, respondent no.1-DDA is

directed to take steps in accordance with the recommendation letter dated 17<sup>th</sup> June, 1988 within a period of four weeks thereafter.

With the aforesaid direction, present writ petition stands disposed of.

Order *dasti*.

**MANMOHAN, J**

**JANUARY 04, 2017**  
**KA**