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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 1713/2017

SHAKTI DEVI

..... Petitioner

Through: Ms. Shikha Sapra, Advocate with
Mr. Sumit Chopra, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Arun Birbal, Advocate with
Mr. Sanjay Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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27.02.2017

CM Appl. 7655/2017 (exemption) in W.P.(C) 1713/2017

Allowed, subject to just exceptions.

W.P.(C) 1713/2017 & CM Appl. 7654/2017

Present writ petition has been filed seeking a direction to the respondent-DDA to extend the time for making payment demanded in the impugned letter dated 01st February, 2017. Petitioner further seeks a direction to the respondent to consider the petitioner for allotment of 116 sq. yards of land in proportionate equality to Category-A allottees under Gadgil Assurance Scheme.

It has been averred that in an earlier writ petition being W.P.(C) 5560/2001 a Coordinate Bench of this Court had directed the respondent-

DDA vide order dated 10th March, 2003 to issue an allotment letter in favour of the petitioner within three weeks.

Learned counsel for petitioner states that the impugned demand letter dated 01st February, 2017 has been issued by the respondent arbitrarily for an area of 25 sq. yards which is allotted to jhuggi jhopri allottees.

However, a perusal of the paper book reveals that respondent-DDA has made the allotment in accordance with the orders dated 25th February, 2003 and 10th March, 2003 passed in petitioner's earlier writ petition being W.P.(C) 5560/2001. The order dated 25th February, 2003 and 10th March, 2003 are reproduced hereinbelow:-

A. Order dated 25th February, 2003

“Learned counsel for the respondent/DDA has handed over to learned counsel for the petitioner a letter dated 08.01.2003 of the respondent authority addressed to the counsel for the respondent stating that the case of the petitioner was placed before the Lieutenant Governor of Delhi and has been approved for allotment of alternate residential plot measuring 25 sq. yds. at the same site in terms of the order dated 26.12.2002 of the Lieutenant Governor.

Learned counsel for the petitioner seeks some time to obtain instructions whether the petitioner is willing to accept this alternate plot or would like to make submissions in the petition on its merits in due course.

List for directions on 10.03.2003.”

B. Order dated 10th March, 2003

“Learned counsel for the petitioner states that he has obtained instructions and that the petitioner is willing to accept the alternate plot in terms of the offer recorded in the Order dated 25.02.2003.

In view of the aforesaid, the grievance of the petitioner

does not survive for consideration and the writ petition stands disposed of.

The allotment letter be issued in favour of the petitioner within a period of four weeks from today and on receipt of the said letter, the petitioner shall vacate the accommodation in his occupation at present within a period of three months thereafter.

DASTI to the parties.”

Keeping in view the aforesaid binding orders between the parties, this Court is of the view that the petitioner is only entitled to allotment of a residential plot admeasuring 25 sq. yards.

However, as the learned counsel for petitioner insists that the petitioner is a senior citizen and requires some time to make the payment as well as to complete construction, this Court grants the petitioner three months time from today to pay the balance outstanding amount and six months time to complete the construction.

With the aforesaid direction, present writ petition and application stand disposed of.

MANMOHAN, J

FEBRUARY 27, 2017

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