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

+ **W.P.(C) 2597/2016 and CM APPL. 11010/2016**

USHA AGGARWAL Petitioner
Through Mr. Pulkit Tyagi, Adv.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR
..... Respondents
Through Ms. Kawaljit Kaur, Adv. for DDA.
Mr. Siddharth Dutt, Adv. for R-3 with
SI Manish, PS Vasant Kunj (North).

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **23.11.2017**

Instant petition was filed by the petitioner seeking issuance of a
Writ of Mandamus with the prayer, as follows :

“(i) Pass an appropriate Writ, Order or Direction in the nature of mandamus directing the Respondent No.1 to allot an alternative flat to the Petitioner in lieu of the flat bearing No. 4072, First Floor, Pocket-4, Sector-C, Vasant Kunj, New Delhi as per the terms and conditions of the original allotment and in the same Sector or in any other similarly developed Sector and location.

.....
.....”

Prayer so made proceeded on the premise that she was allottee of the subject flat. The averments made to that effect, find mention in para 11 of the petition, which are, as follows:

“That after constant persuasion the officials of the

Respondent no.1 handed over possession of the Flat to the Petitioner on 08.04.1997 though the possession slip was dated 27.06.1996 i.e. possession of the said Flat was handed over to the Petitioner after 10 months of the letter dated 27.06.1996. The officials of the DDA also handed over a letter dated 27.06.1996 entitling the Petitioner to obtain electric and water connection in her own name. Copies of the possession slip dated 27.06.1996 and letter dated 27.06.1996 are annexed herewith and marked as Annexure P-6 (colly)”

It is then alleged that after taking possession of the subject flat on 8.4.1997, when she again visited the subject flat in 2015, she found respondent no.2-Mr. Hargobinder Jit Singh in physical possession thereof, though, she had not executed any kind of documents parting with the title or the possession of the subject flat to anyone. It however emerges that the petitioner has executed certain documents to transfer the subject flat in favour of one Mr. Ashok Jain, who, in turn, sold it to one Mr. Avdesh Chand Gupta, and, thereafter, it came to be transferred in favour of respondent no.2-Mr. Hargobinder Jit Singh, by way of a Registered Conveyance Deed dated 9.1.2006. Whether the petitioner had executed any document for transfer of the subject flat to Mr. Ashok Jain has thus been very contentious. It transpires that for the plea taken by the petitioner, the petitioner had also got registered an FIR no. 87/2016, PS Vasant Kunj (North) and during the course of investigation, as per the FSL report on the handwriting of the petitioner, the documents of transfer executed in favour of Mr. Ashok Jain, are similar to the admitted signatures of the petitioner. In the given factual conspectus, writ petition with the prayer sought by the petitioner, cannot be entertained. Disputed questions of facts, especially, as regards the

due execution of documents, cannot be gone into by this Court. In fact, in view of the FSL report, criminal action is invited against the petitioner, *inter alia*, for making misleading statement before public authorities and/or before the Court. Petition is therefore, disposed off with the directions to DCP(North) to take the necessary action, within four weeks from today and proceed further in accordance with law. Petition and the pending application, if any, stand disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 23, 2017

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