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

+ W.P.(C) 6885/2014

MANOJ KUMAR

..... Petitioner

Through: Mr S. P. Yadav, Advocate.

versus

DELHI URBAN SHELTER IMPROVEMENT
BOARD

..... Respondent

Through: Mr Parvinder Chauhan, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.11.2017

1. The petitioner has filed the present petition, *inter alia*, impugning the order dated 03.09.2007, whereby, the allotment of plot no.O-148 Savda Ghevra (hereafter 'the said plot of land') allotted in favour of the petitioner was cancelled. The petitioner was a resident of jhuggi jhopri cluster at the Tata Nagar, Nangla Dairy, Gurgaon Road, New Delhi. The said JJ cluster was to be removed and accordingly, a survey was conducted for relocating the eligible JJ dwellers. The petitioner was found eligible for being relocated.
2. On 30.03.2007, the petitioner deposited a sum of ₹7,000/- as his share towards security and license fee for allotment of a plot. It is the petitioner's case that although he was allotted a plot (plot no.O-148 Savda Ghevra), he was not provided any allotment slip or any information for taking the possession of the plot. He also received no allotment letter and, therefore,

could not take possession of the said plot of land. The said allotment was cancelled by an order dated 03.09.2007 (which is impugned in this petition) on account of failure to adhere to the terms and conditions of the allotment.

3. According to the petitioner, he became aware of the impugned order cancelling the allotment on 10.12.2010. Despite being aware of the same, the petitioner did not immediately move to this Court; the present petition was filed after a lapse of about four years.

4. Mr Chauhan, learned counsel appearing for DUSIB also states that the entire purpose of allotting alternative accommodation to the JJ dwellers was to enable them to shift immediately. The allotment of the plot was on an express condition that the allottee would erect the dwelling unit on the allotted land within a period of six months from the date of allotment. It is contended that the entire purpose of such allotment was frustrated since the petitioner did not take possession of the said land. The learned counsel for the petitioner also referred to the decision of the Coordinate Bench of this Court in ***Dayachand v. Union of India & Ors.: W.P.(C) 7889/2011, decided on 01.09.2015*** in support of his contention that no relief as prayed for can be granted at this stage.

5. Plainly, the present petition is highly delayed. There is also much merit in the contention advanced on behalf of DUSIB that the entire purpose of relocation is frustrated if the concerned allottees do not move immediately. Indisputably, the JJ dwellers have no vested right in insisting upon allotment of land. The same is provided to them as a part of welfare scheme in order to provide them with an immediate alternative to shift from the JJ cluster which is to be removed. As observed by this Court in ***Dayachand v. Union of India & Ors (supra)***, rehabilitation has an element

of urgency attached to it. Plainly, once the element of urgency is removed, the petitioner would have no right to claim allotment of an alternative accommodation. It is seen that more than ten years have already elapsed and, thus, it would not be apposite to grant the relief as prayed for by the petitioner at this stage. However, at the same time DUSIB cannot retain the funds collected from the petitioner and the same must be refunded. Accordingly, DUSIB is directed to refund the amount collected from the petitioner along with interest at the rate of 7% p.a. from the date of receipt till the date of refund. The said refund would be made within a period of eight weeks from today. The learned counsel for the petitioner shall communicate the bank details of the petitioner to the learned counsel for DUSIB and DUSIB shall ensure that the amount of refund is credited directly into the petitioner's bank account.

6. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

NOVEMBER 16, 2017
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