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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3330/2017 & C.M.No.14545/2017

KANTA GUPTA

..... Petitioner

Through Mr.G.L.Verma, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS

..... Respondents

Through Mr.Arjun Pant, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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21.04.2017

Present writ petition has been filed challenging the letter dated 19th October, 2016 issued by the respondent-DDA, wherein petitioner's request for conversion of Flat No.121, Ground Floor, Pocket-I, Sector A-6, Narela, Delhi has been rejected and petitioner has been directed to hand over the possession of the aforesaid flat on the ground that the allotment made to the original allottee under Housing Scheme for Rehabilitation of Punjab Migrant has been cancelled.

It has been averred in the petition that in 2009, the petitioner purchased the flat in question under registered Power of Attorney and Agreement to Sell from the original allottee.

Learned counsel for the petitioner states that without issuing any show cause notice or giving an opportunity of hearing, the

respondent-DDA has issued the impugned letter.

Issue notice.

Mr.Arjun Pant, Advocate accepts notice on behalf of DDA.

After perusing the paper book, this Court is of the opinion that principles of natural justice have been violated in the instant case inasmuch as no show cause notice or an opportunity of hearing was given to the petitioner prior to issuance of the impugned order dated 19th October, 2016.

Consequently, this Court directs that the order dated 19th October, 2016 shall be treated as a show cause notice to the petitioner, who in turn is directed to file a reply to the same within a period of four weeks. The Assistant Director, Janta (Housing), DDA is directed to decide the said show cause notice within a further period of four weeks after giving an opportunity of hearing to the petitioner. The order passed by the Assistant Director, Janta (Housing), DDA shall be communicated to the petitioner by registered AD post.

Till the order is passed by the Assistant Director, Janta (Housing), DDA, no coercive action shall be taken by DDA against the petitioner.

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

MANMOHAN, J

APRIL 21, 2017
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