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

+ W.P.(C) 7216/2014

DES RAJ

..... Petitioner

Through: Mr J. C. Mahindro with Mr Randip Singh and Ms Ujala Vishnoi, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Sanjeev Sabharwal, Standing counsel for DDA with Ms Ridhi Suman, Advocate.
Mr Bimal Rai, Kanungo for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.08.2017**

CM No.4793/2013

1. The petitioner has filed the present application, *inter alia*, claiming possession of the Flat Bearing No.35, Pocket-4, Sector-21, Rohini, Delhi. The aforesaid flat was allotted to the petitioner under the Rehabilitation Scheme that was framed for Punjab Migrants. Indisputably, the petitioner had paid the entire amount due for allotment of the said flat. Since the said flat was not handed over to the petitioner, he was constrained to file the above captioned petition.

2. It is noted that several other petitions claiming similar relief were also filed by other persons who had been allotted flats under the aforesaid scheme.

3. In view of the above, this Court had, by an order dated 27.10.2014, directed the petitioner to appear before the Director Housing, DDA on 10.11.2014 along with all the original documents, including original registrations slips, original challans, original demand letter and proof of his identity as well as his present address. It was further directed that the possession of the flat allotted to him shall be delivered within a specified period of eight weeks of such verification. This Court was also informed that certain investigations were pending; therefore, this Court had expressly clarified that handing over of possession of the flat would not affect the investigation by the Delhi Police.

4. In compliance with the said orders, the genuineness of the documents available with the petitioner were verified and the possession of the flat in question were handed over to the petitioner. The only grievance that remains is that the Conveyance Deed has not been executed by the DDA.

5. Mr Sabharwal, learned counsel for the DDA states that DDA has withheld execution of the Conveyance Deed because an FIR has been lodged (FIR No.1020/2015) in the matter of the aforesaid Rehabilitation Scheme, which as per the directions of the CMM, Saket has been transferred to the Economic Offence Wing (EOW). Thus, despite the fact that DDA has verified the petitioner to be a *bonafide* Punjab Migrant (being one of the 39 cases determined to be so), DDA is not executing the Conveyance Deed.

6. In the aforesaid circumstances, it is directed that the EOW shall complete its investigation insofar as the petitioner and other similarly placed persons - who have been found to be *bonafide* Punjab Migrants (39 in

number) - are concerned, within a period not exceeding 3 months. The concerned officers of the EOW shall file the status report with the concerned CMM. In the event, nothing adverse is found against the petitioner in the said investigation report, DDA shall execute the Conveyance Deed in favour of the petitioner.

7. The petitioner is at liberty to approach the concerned Court of CMM, who shall on the strength of this order, pass further orders, if necessary.

8. The application is disposed of.

9. Order *dasti*.

VIBHU BAKHRU, J

AUGUST 11, 2017
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