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

+ **CONT.CAS(C) 385/2017**

SUMAN

..... Petitioner

Through Ms. Ujala Vishnoi and Mr. Randeep
Singh, Advs.

versus

UDAI PRATAP SINGH

..... Respondent

Through Ms. Manika Tripathy Pandey, Adv for
DDA with Mr. Ashutosh Kaushik,
Adv.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **07.09.2017**

The instant contempt petition has come to be filed alleging violation of the directions given by this court in Cont. Case (C) 652/2015 Suman Bala Vs. Kewal Kumar Sharma & Ors., which was founded on the premise of the directions given by the Id. Single Judge in WP(C) 5902/2014 amongst the parties.

It is a case of allotment of flats under the Punjab Migrants Scheme, whereunder, the petitioner claims to be one of the beneficiaries.

The earlier contempt petition filed by the petitioner was disposed off inter alia with the observations made, as follows :

“15. In the opinion of this Court, the intent and purpose of the Punjab Migrants Scheme stand frustrated as in all these years genuinely displaced persons have not received alternative accommodation, despite the same being available. It is pertinent to mention that in the meantime, the Punjab problem has been solved.

16. Due to time lag in the implementation of the Scheme and absence of any restriction on sale of flat for a particular number of years, the real beneficiaries are unlikely to enjoy the flat and there are bound to be disputes with respect to identity of beneficiaries and legal heirs.

17. In absence of restriction of sale and conversion upon the original allottees, the intended purpose of such allotments is likely to be defeated. Since land in Delhi is scarce and very expensive, vested interests are bound to exploit the lack of restriction on sale and conversion of flat.

18. To put it mildly, the Punjab Migrants Scheme may not achieve the purpose for which it had been devised.

19. Consequently, this Court directs the Vice Chairman, DDA or his nominee in consultation with SDM (West), Punjabi Bagh to forthwith decide all disputes with regard to eligibility and entitlement of the applicants/beneficiaries under the Punjab Migrants Scheme. In the event, they believe that the applicants/beneficiaries are not genuine, they should reject the same, but in no circumstances should the applications be kept pending as this Court is of the view that with passage of time not only the chances of disputes but chances of scams also increase.

20. For the future, the Vice Chairman, DDA is directed to issue instructions to DDA's planning and policy department that they must formulate a Standard Operating Procedure whereby not only watertight eligibility and entitlement criteria is stipulated, but also a strict time frame for implementation of the Scheme is prescribed as open-ended schemes tend to be taken over by vested interests.

21. The Vice Chairman, DDA, should also consider the suggestion that beneficiaries of the welfare scheme should not be allotted flat/land on outright sale basis, but on hire-purchase/rental basis for certain lock-in period and thereafter, only the ownership rights should be transferred to the beneficiaries. There should be stringent

conditions to rule out the practice of illegal transfer/exchange of property to persons who are not entitled for allotment under the welfare schemes.

22. This Court may clarify that the intent of the present order is not to disparage any institution, but to ensure that the actual intended beneficiaries of a welfare scheme get benefit within a strict time frame.

23. Accordingly, present contempt petition is disposed of with the additional direction to the SDM (West) Punjabi Bagh as well as Director Housing (DDA) to verify the petitioner's original documents on 01st September, 2015 at 3:00 p.m. at the office of Director Housing situated at Vikas Sadan, INA, New Delhi."

Though, a flat has come to be allotted and possession has come to be given to the petitioner, the petitioner is now aggrieved of the fact that the conveyance deed has not yet come to be executed in favour of the petitioner. During the course of hearing, ld. counsel for the respondent concedes that a flat has come to be allotted and possession thereof, has come to be given to the petitioner. Instant petition is however, come to be filed seeking execution of the conveyance deed.

A similar contempt petition being Cont. Case (C) 237/2016 Ved Prakash Vs. Kewal Kumar Sharma & Ors. came to be disposed off by this Court on 4.9.2017, with the observations, as follows:

"During the course of hearing, it comes to be conceded on behalf of the applicant/petitioner that the possession of the flat was handed over to the applicant/petitioner during the pendency of the instant proceedings on 12.01.2017. Conveyance deed however, has not yet been executed.

On 18.01.2017, the Principal Commissioner (Housing) was directed to file an affidavit explicitly disclosing as to how many cases of allotment of flats under the Punjab Migrants Scheme are pending investigation by the Economic Offences Wing and in how many such cases the conveyance deed has been executed by the respondent-DDA. In the affidavit filed in compliance thereof, it

has come to be stated, as under:

“10. It is further submitted that there are 325 other cases of earlier allotment made under the Scheme of Punjab Migrants, which are also under investigation by the EOW, in pursuance of Order dated 13.03.2006 passed by the Hon’ble High Court. In this context, an FIR No. 191/2006 is also registered. It is further submitted that DDA has already cancelled these allotments on the recommendations of a Committee headed by SDM (Punjabi Bagh) which found some infirmities e.g. double allotment, etc. in the process.

11. Against the draw held on 20.08.2008 for 224 allotments, the number of allottees where Possession Letters have been issued and also the Conveyance Deed have been executed in favour of allottees, is 52. These cases were decided prior to referring the matter to EOW by the Saket Court.

12. However, during the process of re-verification camp at Vikas Sadan, it is submitted that the total number of cases recommended by SDM (Punjabi Bagh and Kalkaji) are 39. The SDM (Punjabi Bagh) confirmed 28 persons/families as eligible and SDM (Kalkaji) confirmed 11 persons as eligible finally for allotment.

13. That out of these 39 allottees, though Possession Letters in respect of 21 allottees, including the petitioner, have been issued but the execution of conveyance deed, has been kept on hold. The remaining 18 cases are under consideration for issuance of Possession Letters. It is stated that the Conveyance Deed in respect of all these 21 cases, including the petitioner and other 18 cases will only be executed after receiving the final outcome from the Office of Section VI, EOW, Delhi Police.”

Affidavit so filed does not suggest that any conveyance deed has come to be executed in relation to the cases of the beneficiaries under the scheme of Punjab Migrants in respect whereof an FIR No. 191/06 came to be registered and is pending investigations. In the similar case WP(C) 7216/2014 titled *Des Raj Vs. Govt. of NCT of Delhi & Ors.* concurrent Bench of this

Court has observed, as under:

- “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.”**

In view of totality of the facts and circumstances and the observations equally made by the concurrent Bench in WP(C) 7216/2014, the prayer made by the petitioner seeking directions for execution of conveyance deed at this stage of the proceedings, is misconceived and is rejected.”

In view of the foregoing, the case of the petitioner being akin to the case of the petitioner in Cont. Case (C) 237/2013 Ved Praksh Vs. Kewal Kumar Sharma & Ors., the instant petition is also disposed off with the similar observations.

A. K. CHAWLA, J

SEPTEMBER 07, 2017

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