

\$~13

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

+ **W.P.(C) 4477/2017**

KIRAN ARORA

..... Petitioner

Through: Mr Abhimanyu Singla, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr Sarat Chandra and Mr Sachin
Chandra, Advs for DDA

Mr Devesh Singh, ASC (Civil), GNCTD and Ms
Neelam, Adv for Respondent No.2

Mr Vijay Kamra, President

Mr S.R. Gautam, General Secretary

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

%

05.07.2017

1. This order is in continuation of the order dated 22.05.2017. On the aforesaid date, it was recorded that the limited grievance raised by the petitioner in the petition is for issuing directions to the respondent No.1/DDA to effect the allotment and hand over of a 'C' Category flat in her favour. Learned counsel for the petitioner had stated that his client has been repeatedly been approaching the respondent No.1/DDA for allotment of a flat in the respondent No.3/Society, but has failed to receive any response.

2. In reply, counsel for respondent No.1/DDA, who had appeared

W.P.(C) 4477/2017

Page 1 of 3

on advance notice, had informed us that DDA had addressed a communication dated 12.03.2017 to the respondent No.3/Society to furnish details of the vacant flats, but the Society had not responded so far. Further, counsel for respondent No.2/RCS had stated that the office of the RCS had been communicating with the respondent No.1/DDA on the subject too. In view of the aforesaid submission, it was deemed appropriate to issue a limited notice to the respondent No.3/Society, returnable for today. In the meantime, respondent No.1/DDA was directed to furnish another copy of the letter dated 12.03.2017 that was addressed to the respondent No.3/Society, to the counsel for the petitioner for him to bring the same to the notice of the respondent No.3/Society and the Society was directed to respond to the said letter of the DDA.

3. Pursuant to notice being issued to the Respondent No.3/Society, appearance is entered by Mr Vijay Kamra, President of the Society who states that on receiving a letter dated 15.06.2017 from the respondent No.1/DDA, a reply was despatched on 27.06.2017. One of the averments made in the letter dated 27.06.2017 addressed by the Society to the DDA is that the petitioner has not furnished an affidavit with regard to the cases, if any, pending against her in any Court. The petitioner claims that an affidavit in this regard was already furnished earlier.

4. As there is a dispute on this aspect, the petitioner is directed to furnish a fresh affidavit as required by the Society, within two days from today. The said affidavit shall be furnished by the Society to the

DDA, in turn, within one week from the date of receipt thereof. Immediately, on receiving the said document, the respondent No.1/DDA shall proceed to fix a date to conduct a draw of lots from out of the vacant flats available for allotment of a flat to the petitioner, as per her entitlement. Needful shall be done within one month under prior intimation to the petitioner, the RCS and the Society. Respondent No.3/Society shall handover the flat to the petitioner within two weeks from the date of holding the draw of lots, subject to the petitioner clearing all the pending dues as may be payable as per law.

4. The petition is disposed of with the above directions. If the grievance of the petitioner still subsists against any of the respondents, she shall be entitled to seek legal recourse.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 05, 2017

bg