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

+ W.P.(C) 4648/2017 & C.M.No. 20217/2017

RAM PHAL

..... Petitioner

Through: Mr. Avadh Kaushik, Advocate

versus

DELHI DEVELOPMENT AUTHORITY & ANR. . Respondents

Through: Mr. Sen, Standing Counsel for
DDA

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

25.05.2017

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The challenge in this petition is to letter of 9th February, 2015 (*Annexure P-8*) vide which allotment of subject plot stands cancelled. Vide communication of 30th January, 2006, respondent-DDA had called upon petitioner to make payment of differential premium.

According to petitioner's counsel, the differential premium was paid but vide respondent's communication of 29th June, 2011, petitioner was called upon to deposit the differential premium of Rupees One Lac Forty One Thousand One Hundred and Sixty Eight to facilitate the mutation of the subject plot in the name of petitioner. Counsel for petitioner maintains that a sum of Rupees One Lac Forty Five Thousand was deposited on 10th October, 2011 but still Show Cause Notice was issued to petitioner on 17th September, 2014 (*Annexure P-6*) wherein it

was erroneously stated that petitioner had not deposited the demanded premium. According to petitioner's counsel, a reply to the said Notice was submitted on 7th October, 2014 intimating that full payment has been made and so, the mutation be done but still, impugned order of 9th February, 2015 (*Annexure P-8*) has been passed by respondent whereby allotment of subject plot to petitioner has been cancelled. Counsel for petitioner submits that to seek restoration of cancelled plot to petitioner, a representation was made by petitioner on 1st December, 2016 to the Hon'ble Lieutenant Governor of Delhi with the recommendation of MLA but petitioner has not received any response to the said representation.

Upon notice, counsel for respondent-DDA points out that representation of 1st December, 2016 nowhere assails the cancellation order of 9th February, 2015.

Upon hearing and on perusal of impugned cancellation order and the material on record, I find that since it is the case of petitioner that full differential premium has been paid, therefore, petitioner is called upon to make a Representation to the Lieutenant Governor of Delhi against the impugned cancellation order of 9th February, 2015 within four weeks. If it is so done, then it is expected that the said Representation would be expeditiously dealt with in accordance with law and its fate would be communicated to petitioner.

This petition and application are accordingly disposed of while making it clear that if petitioner is still aggrieved with the outcome of Representation, he will have liberty to avail of the remedies, as available in law. Till petitioner is communicated the fate of his Representation, *status quo* as of today in respect of plot in question be maintained.

Copy of this order be given *dasti* to counsel representing both the sides.

(SUNIL GAUR)
JUDGE

MAY 25, 2017

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