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

+ LPA 476/2017

SATISH CHOPRA

..... Appellant

Through Md. Nashad Alam, Advocate

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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17.07.2017

CM Appln. No. 24590/2017(exemption)

Exemption allowed subject to just exceptions.

CM Appln. No. 24592/2017(delay)

By this application, the applicant seeks condonation of 29 days' delay in filing the appeal. For the reasons stated in the application, the same is allowed.

The application stands disposed of.

LPA No. 476/2017 and CM Appln. No. 24591/2017

The appellant has assailed the judgment dated 30.03.2017 rendered by the learned Single Judge in Writ Petition (C) No. 6602/2015. The appellant

had preferred the said writ petition seeking allotment of Janta flats under the 'physically handicapped category'. The claim of the appellant was premised on the fact that he applied as a physically handicapped candidate. Under the housing scheme floated by the DDA, 1% of the total number of flats was reserved for the 'physically handicapped category' applicants. It is not in dispute that 16118 flats, in all, had been thrown open for allotment under the said Scheme. 1% of the said number of flats translated to 161 flats. Therefore, 161 flats necessarily have to be allotted to the physically handicapped persons in the said category.

The Scheme also provided that a separate waiting list of 600 applicants will also be declared in order of priority which has to remain valid for the 9 months from the date of issue of demand letters to successful applicants. The respondents took the stand before the learned Single Judge that in terms of the reservation, 161 flats had been allotted to the physically handicapped category candidates. The claim of the appellant-writ petitioner was that 511 flats had been surrendered in the first round. The respondent had issued a wait list, inter alia, in respect of six physically handicapped candidates wherein the respondent's name was figured at serial no. 5.

The submission of the appellant was that since 511 flats were again put in the draw of lots, at least five physically handicapped persons, including, the appellants should have been allotted flats. The learned Single Judge has, however, rejected the said claim on the premise that since 16118 flats were included under the Scheme for allotment and 161 flats had already been allotted to the physically handicapped persons, no further reservations could be claimed by the applicant in the said category.

Learned counsel for the appellant submits that, once again,

reservation of 1% should have been made applicable in respect of the physically handicapped category candidates when the second draw was held in respect of the 511 flats. We cannot agree with this submission. The number of reserved flats had to be calculated on the basis of the total number of flats covered in the Scheme which was 16118 and, therefore, 161 flats were reserved for the physically handicapped persons. As per the respondent-DDA that many physically handicapped category persons have already been allotted flats in the first round. The submission of the appellant that in each round subsequently held, 1% flats should have been reserved, if implemented, would tantamount to granting more reservation than 1% under the Scheme. This submission has, therefore, no merit. Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 17, 2017

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