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

+ LPA 517/2017 & CM APPL. 27359/2017

SHUBIT EDUCATION SOCIETY

..... Appellant

Through: Mr. Sumit Bansal and Sukriti Singh,
Adv.

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Arun Birbal and Mr Sanjay
Singh, Adv

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

04.08.2017

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1. The present appeal is directed against the judgment dated 03.03.2017 passed by the learned Single Judge in W.P. (C.) No.1985/2013. The said writ petition was preferred by the petitioner to seek restoration of allotment of a school plot initially made in Pocket-B, Sector-C, Vasant Kunj, New Delhi on 28.03.2003. The learned Single Judge while dismissing the writ petition has observed that the appellant had preferred an earlier writ petition being W.P. (C.) No. 2360/2016 raising the same grievance. The said writ petition had been dismissed on 08.08.2012 in view of the amendment to the DDA (Disposal of Developed Nazul Land) Rules, 1981, whereby the mode of allotment of institutional land to educational institutions was changed

from allotment to auction vide gazette notification dated 19.04.2006 issued by the Ministry of Urban Development, Govt. of India. The learned Single Judge also observed that the validity of the said amended rules had been upheld by the court.

2. The appellants LPA i.e. LPA No.724/2012 had also been dismissed on 21.02.2013. The Division Bench in its order dated 21.02.2013 had, inter alia, noticed that the appellant had withdrawn its earlier application for allotment of land and thereafter submitted a fresh application on 03.08.2004 seeking grant of sponsorship on the strength of the new essentiality certificate dated 12.05.2004. Not only that, the appellant had even prior to preferring W.P. (C.) No. 2360/2006 preferred W.P. (C.) No. 19768/2005 which had been withdrawn by the appellant. Last but not the least, the appellant had also taken back the money deposited with the DDA on 24.05.2005.

3. In the writ petition, the appellant pleaded discrimination by stating four other instances where the respondent DDA had allotted land by accepting payment beyond the statutory period. Pertinently, the respondent DDA had disputed the said position and explained the specific facts in each of those cases. The appellant did not controvert the said averments of the DDA by filing a rejoinder. The learned Single Judge has also observed and, in our view, rightly so that the appellant cannot claim negative equity and he has to stand on his own feet to make a case.

4. We reject the appellants submission that he was not aware of the complete facts when in the earlier round the writ petition and the LPA were dismissed. The position remains unchanged, that the mode of allotment was

changed from allotment of institutional land through the land allotment committee at predetermined rates, to that of an open auction. The filing of repeated petitions, in our view, amounts to abuse of process of law by the appellant.

5. In these circumstances, we find no merit in this appeal. Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 04, 2017

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