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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5918/2017 and CM Nos. 24618/2017 (directions) &
24619/2017 (exemption)

PRAMOD KUMAR JAIN Petitioner
Through Ms. Awantika Manohar, and Mr. E.
Siddharth Rao, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents
Through Mr. Arjun Pant, Adv.

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA
ORDER
% **17.07.2017**

By the petition, the petitioner seeks issuance of Writ of Certiorari seeking quashing of the order dated 20.10.2016, though not filed, whereby, the allotment of a plot in favour of the petitioner came to be cancelled.

In sum and substance, the petitioner is aggrieved of the cancellation of allotment of a plot bearing no. 1887, Pocket-C1, Sector- 34, measuring 32 sq. mtrs. made in his favour by the respondents under Rohini Residential Scheme, 1981. Cancellation of allotment has come to be made on the premise that the petitioner was ineligible for allotment, being a minor at the time of making the

application. Eligibility criterion prescribed for making application under the subject scheme for allotment of a plot, is as under :

**“Any individual who is not a minor may apply for allotment of only one plot if he/she fulfils the following conditions :
.....”**

It is the case of the petitioner that his actual date of birth is 9.1.1963 and, though, as per the copies of the PAN card and Driving Licence, copies whereof were furnished by the petitioner to the respondents, his date of birth is recorded as 9.1.1966, the birth certificate issued by the concerned authority on 17.3.2016 clearly mentions the date of birth of the petitioner to be 9.1.1963 and on the basis of the said birth certificate, the necessary corrections have also been carried out in PAN card etc. Thus, according to the petitioner, when the birth certificate gives the date of birth of the petitioner to be 9.1.1963 and the necessary corrections have also come to be carried out in PAN card, and, the Aadhar card also mentions the same date of birth, the respondents cannot be allowed to contend otherwise.

The fact of the matter is that as per the PAN card and the D/L originally supplied by the petitioner himself, his date of birth is recorded as 9.1.1966. As per this date, the petitioner would be minor aged about 15 years on the date of making application for allotment of a plot. Birth certificate has come to be issued only on 17.3.2016, and, that too, without any reference to the respondents, who dispute the correctness of the date of birth of the petitioner at the time, the petitioner made the application. The respondents on their part dispute the correctness of the date of birth of the petitioner inasmuch as,

according to the respondents, the birth certificate has come to be issued at a much later point of time without any objection from anyone and that, issuance of the birth certificate at a later point, by itself, cannot be sufficient to establish his date of birth. More so, when the application had come to be made about 25 years before and there is no reason as to why, the petitioner would have given an incorrect date of birth for the issuance of the PAN card and D/L.

Keeping in view the totality of the facts and circumstances, I am of the considered view that the correctness of the date of birth of the petitioner is much in dispute and such disputed question of fact cannot be gone into in the instant petition. Petition is therefore, dismissed being not maintainable. The petitioner is however, at liberty to have such other legal recourse as may be available to him. Petition and the pending applications are disposed off accordingly.

A. K. CHAWLA, J

JULY 17, 2017

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