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

+ **W.P.(C) 9166/2018 & CM Nos. 35342-35343/2018**

BHAGAT SINGH

..... Petitioner

Through Ms Jayshree Satpute, Advocate.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through Mr Jamal Akhtar, Advocate for GNCTD.
Mr Parvinder Chauhan, St. Cl. For
R2/DUSIB.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.09.2018

1. The petitioner has filed the present petition, *inter alia*, impugning a order dated 14.08.2018 (hereafter 'the impugned order') issued by respondent no.2 (hereafter 'DUSIB') whereby the allotment letter dated 25.01.2018 has been cancelled.
2. By the allotment letter dated 25.01.2018, the petitioner was allotted a residential unit (a flat being Flat No. 709-A, Ground Floor, J-Block, Phase-2, Baprola, Delhi). The said allotment was made pursuant to a draw of lots held on 10.02.2017. The said allotment was made for the purposes of rehabilitating the petitioner, who was a resident of *Jhuggi Jhopdi* Basti at Karampura, Delhi.
3. A plain reading of the impugned order indicates that the impugned order is premised on the basis that the petitioner is not an Indian citizen.

4. The DUSIB had called upon the Delhi Police to conduct a verification in this regard. It is now stated that such verification had been conducted by the police authorities in the year 2011 and it was reported that the petitioner was a national of Nepal.

5. The petitioner disputes that he is a citizen of Nepal; he claims to be a Indian citizen by birth. He states that his parents belong to a border village in Uttarakhand and that he was born in Delhi. The learned counsel appearing for the petitioner states that the petitioner's wife is a Nepali citizen, however, the petitioner is an Indian citizen.

6. Concededly, apart from the aforesaid police report of 2011, there is no material available with DUSIB to conclude that the petitioner is a national of Nepal. The learned counsel appearing for the Deputy Commissioner of Police, Special Branch, New Delhi has also furnished a status report which states that there is now no material available with the police authorities in respect of verification conducted regarding the petitioner's antecedents.

7. In view of the aforesaid view, this Court finds that none of the authorities had any material on the basis of which it was concluded that the petitioner is not an Indian citizen.

8. In the aforesaid circumstances, the impugned order cancelling the allotment of the flat in favour of the petitioner cannot be sustained. The same is set aside.

9. The concerned police authorities are directed to conduct a fresh inquiry as to the antecedents of the petitioner. The concerned officer shall also give due opportunity to the petitioner for presenting any material to justify his claim to be a citizen of India. The inquiry should be completed

within a period of four months from today and a copy of the inquiry report be submitted to DUSIB. On receipt of the inquiry report, the DUSIB may take such steps as available in law.

10. In the meanwhile, it is directed that the petitioner shall not lease, transfer, encumber or in any manner alienate the property in question.

11. The petition is disposed of in the above terms. All pending applications stand disposed of.

VIBHU BAKHRU, J

SEPTEMBER 05, 2018

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