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

+ **W.P.(C) 459/2020 & CM APPL. 1259/2020**

**GAGAN KHANNA**

..... Petitioner

Through: Mr. Umesh Sharma, Advocate.  
versus

**DELHI DEVELOPMENT AUTHORITY**

..... Respondent

Through: Mr. Arun Birbal with Mr. Sanjay  
Singh, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **14.01.2020**

**CM APPL.1260/2020 (Exemption)**

1. Allowed, subject to just exceptions.

**W.P.(C) 459/2020 & CM APPL. 1259/2020**

2. Issue notice to the respondent.

3. Mr. Arun Birbal accepts notice on behalf of the respondent.

4. In view of the directions that I intend to pass, counsel for the respondent says that he does not wish to file a counter-affidavit.

5. There are two prayers made in the writ petition. The same reads as follows:

*“(I) Writ, Order or direction in the nature of **MANDAMUS** or any other appropriate writ, order or direction in favour of the petitioner, and against the respondents thereby directing the respondents No.1 to take a definitive action on the complaint dated 27/6/19, 6/8/19, 22/7/19 & 21/11/19 filed by the Petitioner and conclude the same within time bound matter.*

*(II) Writ, Order or direction in the nature of **MANDAMUS** or any other appropriate writ, order or direction in favour of the petitioner, and against the respondent to refer the matter to Central Bureau of Investigation for investigation of the matter to determine the indulgence and delinquency of the staff of DDA in fabrication of documents and issuing fake, forged and fabricated documents without any authority with regard to the property of the petitioner bearing No. BF-27, Tagore Garden , New Delhi.”*

6. A perusal of the record shows that against the family members of the petitioner, an FIR has already been filed.

6.1 I am informed that this FIR is numbered as 503/2017 and is dated 01.09.2017. The same is filed with Police Station Rajouri Garden, New Delhi.

6.2 This FIR was registered on the complaint of an official of the DDA, one, Mr. R.K. Puri, Deputy Director of DDA.

7. The petitioner is entangled in a dispute with his relatives, which, *inter alia*, include his uncle and his cousin concerning the subject property i.e. BF 27, Tagore Garden, New Delhi.

7.1 The aforementioned FIR is the off shoot of this dispute.

7.2 The petitioner claims that the officials of the DDA are also complicit in the offences committed by his relatives.

7.3 The petitioner in this behalf appears to have lodged several complaints which are dated 27.06.2019, 06.08.2019, 22.07.2019 and 21.11.2019.

8. As is evident from the prayer Clause “I”, the petitioner seeks issuance of a direction to the DDA with respect to the aforementioned complaints.

The petitioner, in sum, wants DDA to deal with his complaints.

8.1 Besides this, in prayer clause “II”, the petitioner seeks direction from this Court that the matter be referred to the Central Bureau of Investigation (in short “CBI”) to ascertain the involvement of the DDA officials with regard to fabrication of documents pertaining to the subject property.

9. To my mind, since an FIR has already been lodged and the investigation is on, it would surely be open to the Investigating Officer to carry a 360 degree enquiry and, if involvement of the DDA officials is found, they could also be arrayed as accused.

9.1 In any event, the DDA at its own end should also carry out an enquiry and take appropriate action, if it finds any merit in the aforementioned complaints lodged by the petitioner.

9.2 The DDA could also refer the matter to the Chief Vigilance Officer (CVO) or police, if it finds that its officials are also complicit in fabrication of the documents of the subject property as alleged by the petitioner.

9.3 Thus, not doing anything in the matter is not an option for the DDA.

9.4 However, the prayer sought in the writ petition that the matter be referred to CBI, in my view, at this stage, is unmerited in view of the fact that Delhi police is already investigating, even according to the petitioner, core aspect of the accusation which is the subject matter of the aforementioned FIR.

10. Therefore, the writ petition is closed with a direction to the DDA to deal with the above referred complaints filed by the petitioner within eight weeks from today.

10.1 In case, the DDA finds any merit in the complaint, it will take appropriate action in the matter.

11. As noted above, the prayer sought in Clause “II” is unmerited and therefore, rejected.

**RAJIV SHAKDHER, J**

**JANUARY 14, 2020**

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