

\$~2

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

+ W.P.(C) 5848/2015

R.N. GUPTA TECHNICAL EDUCATIONAL SOCIETY.. Petitioner
Through : Mr. Aseem Mehrotra, Adv.

versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through : Mr. Rajiv Bansal, Sr. Adv. with
Mr.Dhanesh Relan and Mr. Paritosh
Dhawan, Advs. for DDA.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
28.01.2020

%

1. The petitioner which is an educational institution articulates a grievance that it has not been allotted the land by the DDA at the pre-determined rates.

1.1 In support of this plea, the petitioner has also referred to six cases, in which, even after the change of policy, allotments were made to educational institutions at pre-determined rates.

2. Mr. Aseem Mehrotra, who appears on behalf of the petitioner, says that on 19.04.2006, the DDA changed its policy from allotting land to educational institutions at pre-determined rates to allotment of lands *via* public auction.

3. Mr. Mehrotra states that the six cases in which exception was made are referred to in paragraph 34 of the writ petition.

3.1 In reply to the assertions made in paragraph 34 of the writ petition the DDA has explained the circumstances in which allotment was made in these six cases.

3.2 According to Mr. Rajiv Bansal, learned senior counsel, who appears on behalf of the DDA, this assertion is made in paragraph 20 of the counter-affidavit filed by the DDA.

3.3 Mr. Bansal emphasizes that none of the six cases cited by the petitioner are educational institutions.

3.4 For the sake of convenience, paragraph 20 of the counter affidavit filed by the DDA is set out hereafter :

“20. Contents of para 34 are a matter of record in so far as the fact that the policy of Respondent DDA has been upheld by this Hon'ble Court. It is respectfully submitted that Shri Agrasen North Ex-Welfare Society, Rohini, Ganesh Diagnostic, Rohini & Max Health Care, Shalimar Bagh were allotted the land through auction. The SSB was made allotment being a Government Organization, which is under the allotment Policy, upheld by this Hon'ble Court. The Sant Nirankari Mandal was allotted a plot being a religious Society, which is under the policy of the allotment. The Bodoland Temiloarid Council was allotted land under the policy of socio culture.”

4. Furthermore, what is not in dispute is that the policy of the DDA which was altered, as noticed above, on 19.04.2006 has received the *imprimatur* of the Court via the following judgments :

- (i) ***Sethi Auto Service Station & Anr. Vs. Delhi Development Authority & Ors.*, (2009) 1 SCC 180.**
- (ii) ***Bhagwan Mahavir Education society (Regd.) & Anr. Vs. DDA & Ors.*, [W.P.(C) No.2459-60/2005, decided on 25.3.2011].**
- (iii) ***Ram Chander Educational Society & Anr. vs. Delhi Development Authority & Anr.*, 2011 (122) DRJ 685.**
- (iv) ***Shubit Education Society vs. D.D.A.*, 241 (2017) DLT 157.**

5. Mr. Mehrotra says that the DDA should be called upon to produce the files so that this court can satisfy itself as to whether the position taken in paragraph 20 of the counter-affidavit filed by the DDA is borne out from the record.

6. According to me, no such direction needs to be issued, at this juncture, as the DDA has placed its stand on record supported by an affidavit.

6.1 The petitioner, however, could have placed the relevant material on record to demonstrate that the stand taken by the DDA was false. A fishing and roving enquiry cannot be conducted based on a bare assertion.

7. Accordingly, the captioned writ petition is closed.

8. Needless to add, if the petitioner comes with any substantial material which indicates that the stand taken by the DDA before this Court was not correct, it can take recourse to the remedies that may be available to it in law.

RAJIV SHAKDHER, J

JANUARY 28, 2020/aj

W.P.(C) 5848/2015

page 3 of 3