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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 4705/2024 & CM APPLs. 19280-19281/2024****KARAN DUA**

..... Petitioner

Through: Petitioner in person

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondent

Through: Ms. Prabhsahay Kaur, Standing
Counsel, DDA with Mr. Bir Inder
Singh Gurm, AdvocateMr. Mukesh Gupta, Standing
Counsel, MCD with Mr. Shashi
Gupta, Mr. Arnav Gupta, Mr. Deepak
Hastir, Advocates for R-4/MCDMr. Parvinder Chauhan and Ms.
Aakriti Garg, Advocates for DUSIB

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Date of Decision: 02nd April, 2024.**HON'BLE THE ACTING CHIEF JUSTICE****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****MANMOHAN, ACJ: (ORAL)****CM APPL. 19281/2024 (for exemption)**

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 4705/2024 & CM APPL. 19280/2024

1. Present writ petition has been filed under Article 226 of the Constitution of India as a Public Interest Litigation ('PIL') seeking following directions: -

"a. Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to formulate a separate committee to maintain and check the records of the respondents of the name of the allottees/ legal heirs/ purchaser/ occupants through survey in all the 45 JJ resettlement colonies.;



- b. Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to reduce the amount of conversion charges as per the order of the present court.;*
- c. Issue a writ of mandamus or any other appropriate writ, order or directions to the respondents to stay upon issuing of eviction notice till the pendency of the present petition and*
- d. pass such further order(s) as may be deemed fit and proper in facts and circumstances of the present case, in the interest of justice.”*

(Emphasis supplied)

2. The Petitioner-in-person states that the present PIL has been filed for espousing the cause of the persons living in JJ Resettlement Colonies (‘Colonies’) to enable the allottees and the occupants to acquire ownership rights as per the policies of the Government i.e., the Circular issued in 2013¹. He states that to his knowledge, there are 45 (forty five) Colonies with 2,21,042 plots. He states that though the plots in the Colonies were allotted by Respondent No.3, Delhi Development Authority (‘DDA’) through allotment slips, the allottees who have lost or misplaced the said slips are facing problems in acquiring ownership rights. He states that this problem has compounded for the occupants who are subsequent purchasers from the original allottees as these occupants do not have the allotment slips.
3. He states that as per the policy, the allottees and the subsequent purchasers have been classified into three categories and have been made liable to pay exorbitant conversion charge for acquiring freehold ownership rights. He states that the policy is onerous and this is evident from the fact that only two occupants of Nangloi Colony have applied under the scheme, whereas there are 6,608 occupants in the Nangloi Colony.
4. He states that in this PIL he is more specifically raising the issue of

¹ Annexure P-3 to the petition



the absence of proper records with Respondent Nos. 2 and 3 due to which Respondent No.2, DUSIB is issuing Show Cause Notices to the occupants which is causing harassment to them. He relies upon the replies received in RTI from Respondent No.2 to contend that there are no records of the initial allotment available with Respondent Nos. 2 and 3.

5. In reply, learned Standing counsel for Respondent No.2 states that the present PIL is motivated and has been filed at the behest of one Mr. Rajender Kharra, who is an illegal occupant in a plot at Nangloi Colony. He states that the said Mr. Kharra has been served with a Notice dated 03rd April, 2021 calling upon him to vacate plot nos. E-501 and E-502 at Camp No.2, Nangloi JJ Colony, Delhi. He states that the said Mr. Kharra has filed an independent W.P.(C) 5053 of 2021 before this Court seeking stay of his eviction and the said writ is pending adjudication. He states that the connection between this PIL and Mr. Kharra is writ large as Annexures P-4, P-5 and P-7 filed with this petition are documents pertaining to Mr. Kharra. He states that the prayer (c) in this writ petition which seeks an omnibus stay of all eviction notices is motivated and intended to subserve the interests of the said Mr. Kharra. He, therefore, states that the present PIL be dismissed with costs.

6. Having heard the Petitioner and learned counsel for the parties as well as having perused the record, we are of the considered opinion that there is merit in the submissions of learned Standing counsel for Respondent No.2.

7. The Petitioner has relied upon the correspondence between Mr. Rajender Kharra and Respondent No.2 at Annexures P-4, P-5 and P-7. However, in the writ petition, the Petitioner has not explained his relationship with Mr. Rajender Kharra and has not disclosed that the said



Mr. Kharra has been served with an eviction notice by Respondent No. 2 which is sub-judice in W.P.(C) 5053 of 2021. We, therefore, find that the prayer(c) for stay of eviction notice(s) in this writ petition and CM APPL. 19280 of 2024 seeking interim stay of the eviction notices, is motivated and intended to overreach the proceedings in the pending writ proceedings.

8. In addition, we find that the prayer(a) seeking setting up of a committee to carry out a survey and maintain the records of allottees, occupants, etc. of the 45 (forty five) Colonies is misconceived. The Respondent Nos. 2 and 3 are statutory authorities who are the custodian of the records pertaining to the allotments of plots in the 45 (forty five) Colonies. The Respondent Nos. 2 has been enjoined statutorily to manage the 45 (forty five) Colonies and no direction can be issued by this Court for setting up a committee for maintaining the statutory record which is the legal responsibility of Respondent Nos. 2 and 3.

9. Similarly, the challenge to the policy circular of Respondent No.1, Government of National Capital Territory of Delhi ('GNCTD') issued in the year 2013 for collecting conversion charges is vague and without any cogent grounds. We are not inclined to entertain a challenge to the said policy circular in the present PIL at the behest of the Petitioner.

10. We, accordingly, do not find any merits in the present petition and the same is dismissed along with CM APPL. 19280 of 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 2, 2024/msh/MG