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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9091/2024 & CM APPL. 37231/2024**
DELHI SIKH GURDWARA MANAGEMENT COMMITTEE

.....Petitioner

Through: Mr. Jaspreet Singh Rai, Mr.
Abinash Kumar Mishra & Ms.
Jyotsna Kaur, Advs.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS

.....Respondents

Through: Appearance not given.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **05.07.2024**

1. The petitioner is invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, for issuance of appropriate writ, order or direction for setting aside impugned order dated 30.04.2023 passed by respondent No.1/DDA for refusing to grant restoration of the plot in question viz. No. 2593, Hudson Line, Kingsway Camp, Delhi.
2. Learned counsel for respondent No.1/DDA is present on advance notice. Learned counsel for respondent No.3 is also present on advance notice.
3. The long and short of the submissions made by the learned counsel for the petitioner is that the plot in question was allotted to one Smt. Pratap Kaur, a widow and a displaced person from Rawalpindi, Pakistan, consequent to the partition of India and under the Rehabilitation Scheme, then framed by the Government of India, wayback in October 1947.



4. The deceased was initially allotted a residential flat. Later on, in view of the residential flat, she was allotted the plot in question and she continued to be in possession till she died on 16.07.1964. It is submitted that prior to her death, she executed a Will dated 13.07.1962, which was registered on 17.05.1963. It is submitted that the petitioner applied for mutation of the plot in question in the petitioner's name and the mutation was effected in 1971. However, handing of the possession of the plot in question was delayed allegedly on account of the relevant documents having been lost.

5. It appears that in the meanwhile, one Iqbal Singh who was an employee of the petitioner, applied with the DDA in regard to certain rights in the plot in question based on false and fabricated documents in his individual capacity. The petitioner received a letter dated 27.12.2019, whereby they were intimated that the allotment of the plot has been cancelled by the Vice-Chairman, DDA on account of false and fabricated documents submitted by Mr. Iqbal Singh.

6. It is submitted that pursuant to their representations and meetings with the concerned officials, the DDA sent a letter on 21.09.2020 whereby, the following documents were sought:-

- “1. Undertaking to the effect that He/she/Commercial Industrial Unit will pay all misuse, sub-letting, restoration charges etc.
2. Affidavit duly certified by the two neighboring Units/RWA/Federation OF Association to the effect that all breaches have been removed and there is no breach or the same is in conformity with Master Plan 2021.
3. Photographs of the plots/unit with different angle showing that there is no breach in the unit.
4. Details of Court case, eviction proceedings. Litigations pending against the property which lease is determined.”

7. It is submitted that the said documents were duly submitted. However, the petitioner have now received the impugned order dated



30.04.2024, whereby, evidently a cryptic order is passed that “based on documents submitted, the request for restoration of allotment cannot be exceeded to.”

8. Learned counsel for respondent although requests some time to seek instructions, has vehemently urged that the plot in question was allotted to the deceased Smt. Pratap Kaur, as per the Rehabilitation Scheme of the Government of India, in her individual capacity and the plot in question cannot be allotted to an institution like the present petition.

9. Be that as it may, after some arguments, this Court finds that the impugned order dated 30.04.2024 is not a reasoned order and it has not taken into consideration the pleas that have been raised in the representation, and apparently the relevant documents that have been submitted with the DDA have not been considered too.

10. Hence, the present petition is disposed of with direction that the present writ petition along with documents may be treated as a fresh representation by the petitioner by the competent authority and the competent authority shall be at liberty to call for further documents in order to consider the representation. Further, opportunity of hearing may also be afforded to the authorised representative of the petitioner, and thereafter, a reasoned and speaking order be passed within a period of eight weeks.

11. Till a decision is taken in this regard, *status quo* shall be maintained with respect to the plot in question.

12. It is ordered accordingly.

DHARMESH SHARMA, J.

JULY 05, 2024/sa