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

+ **W.P.(C) 10632/2024 & CM APPL. 43756/2024**

SHREE HANUMANT DHARMIK RAMLEELA COMMITTEE
(REGD.) & ANR.Petitioner

Through: Mr. Abhijat, Mr. Siddharth Sharma,
Mr. Harkirat and Ms. Mishika Mehta,
Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.....Respondents

Through: Mr. Amit Singh Chauhan, Ms. Shikha
Chauhan and Mr. Neelmani Guha,
Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **01.08.2024**

CM APPL. 43757/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 10632/2024 & CM APPL. 43756/2024

1. The petitioner has filed the instant petition for the following reliefs:

“A. Pass a writ of certiorari or any other appropriate writ, order, and/or quashing Clause A (2) of the Impugned SOP dated 04.07.2024 for being manifestly arbitrary, irrational and bad in law and in view of the peculiar facts and circumstances of Writ Petition, WP (C) No. 12337 of 2023 and Orders passed thereon;

B. Pass a writ of mandamus or any other appropriate writ, order, and/or directing the Delhi Development Authority to consider the 2022 as “preceding year” for the purposes of Clause A (2) of the Impugned SOP dated 04.07.2024 in view of the peculiar facts and circumstances of present Writ Petition, WP (C) No. 12337 of 2023 and Orders passed thereon;



C. Pass a writ of mandamus or any other appropriate writ, order, and/or directing the Delhi Development Authority to accept the booking application for Plot 8A by the Petitioner No. 1 through either offline or online mode”

2. Mr. Abhijat, learned counsel appearing for the petitioner assisted by Mr. Siddharth Sharma, Advocate, submits that in pursuance of the policy dated 04.07.2024, the petitioner made a representation dated 21.07.2024 raising objections with respect to clause A(2) of the policy. Learned counsel, therefore, submits that the societies/trusts which were allowed sites in the preceding year are to be given preference for booking of the site for the year 2024. According to him, the preceding year is not clarified and if the same is considered 2022, the petitioner would get the preference and if the preceding year is considered to be 2023, the case of the petitioner does not fall.
3. Learned counsel further submits that since no decision was taken, the petitioner filed CM APPL. 41692/2024 before this Court in a disposed of matter. The Court, on 25.07.2024, granted him liberty to pursue the matter before the competent authority. He, however, admits that after passing of the order on 25.07.2024, presuming that his pending application dated 21.07.2024 would be considered by the DDA, he did not bring the said order to the notice of the DDA. He further submits that the counsel for the DDA appeared on the date when the order was passed by this Court on 25.07.2024.
4. Learned counsel, therefore, submits that as of now, since no decision has been taken on his pending representation dated 21.07.2024, therefore, he is constrained to approach this Court as the date for accepting the application has commenced and the same is expiring on 14.08.2024.



Learned counsel further submits that for the year 2023, the allotment of the site in question took place on the basis of the interim order passed by this Court, therefore, the same shall not be treated to the detriment of the petitioner.

5. Learned counsel appearing for the DDA, however, takes this Court to Clause 03 of the Policy dated 04.07.2024 and he submits that if the said Clause is considered in the right perspective, the same would show that no further clarification is required. According to him, the preceding year would mean 2023.

6. While taking note of the submissions made by learned counsel appearing for the parties, the Court is of the considered opinion that in terms of the liberty granted by this Court on 25.07.2024, the DDA must take decision on the pending representation dated 21.07.2024.

7. Since the last date for accepting the application is expiring on 14.08.2024, therefore, the Court directs that the DDA shall take decision on the application within a period of seven days from today.

8. In case the decision is adverse to the petitioner, it shall be at liberty to take appropriate recourse in accordance with law. If the DDA accepts the representation, the application of the petitioner shall be accepted before the expiration of the last date.

9. With the aforesaid observations, nothing more requires to be adjudicated. Accordingly, the petition stands disposed of alongwith the pending application.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 1, 2024/p