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

+ **W.P.(C) 14561/2024**

VIJAY KUMAR GARG

.....Petitioner

Through: Mr. Vinay Rathi and Ms.
Deepti Sharma, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.

.....Respondents

Through: Mr. Ashim Vachher, Standing
Counsel with Mr. Vaibhav
Dabas, Mr. Kunal Lakra, Mr.
Vinayak Uniyal and Ms. Saiba
M. Rajpal, Advs.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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18.10.2024

CM APPL. 61078/2024 (Ex.)

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

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3. The petitioner is invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, 1950, for a direction to the respondent/DDA to restore the cancellation of allotment of Plot/Unit No. 816, Pocket No.C1, Sector-37, Rohini, Delhi, or in the alternative to allot another plot/unit in lieu thereof in the same Sector; and seeking a direction to quash/set-aside the impugned order dated 25.10.2023 passed by the respondents.
4. Learned counsel for respondents is present on advance notice.
5. Shorn of unnecessary details, the wife of the petitioner applied



for allotment of Unit under the Rohini MIG Residential Scheme 1981, by depositing earnest amount of Rs. 5,000/- *vide* Application No. 37746 dated 05.03.1981. It is stated that she died in a road accident and as also the children on 07.06.1992. After her death, the petitioner made a representation to respondent No.1/DDA to transfer the aforesaid registration in his name which request was allowed in the year 1993.

6. There was a long period when no allotment took place and eventually on 09.02.2018, a demand-cum-allotment letter was issued to the petitioner by the respondent No.1/DDA allotting the aforesaid plot for total demand of Rs. 16,40,760/- payable in three instalments in 180 days.

7. The case of the petitioner is that during the relevant time he started experiencing symptoms of dementia, borderline personality disorder, severe anxiety, severe depression, besides schizophrenia and on 02.09.2022, a letter was issued by the respondent No.1/DDA cancelling the allotment in his favour. It is submitted that although he made several representations nothing was done and therefore he was constrained to file W.P. (C) No. 2713/2023 which was disposed by this Court *vide* order dated 18.08.2023, whereby it was directed that the communication dated 12.12.2022 and 13.01.2023, as representations on behalf of the petitioner, be considered afresh and a speaking order be passed within a period of eight weeks.

8. In the said backdrop, it is the grievance of the petitioner that the impugned order dated 25.10.2023 has been passed which is failing to address all his health issues that have been properly substantiated by supplying relevant documents, and very flimsy and mechanical reasons have been assigned for rejecting his representation for



allotment of Plot/Unit at Sector-37, Rohini, Delhi, as per the Rohini MIG Residential Scheme 1991.

9. Having heard the learned counsels for the parties and on perusal of the records, at the outset, this Court finds that the petitioner has no legal right to assert in the matter and claim allotment of any Plot/Unit under the Rohini MIG Residential Scheme 1991.

10. At the cost of repetition, the demand-cum-allotment letter dated 09.02.2018 was served upon him whereby he was granted 180 days to make payment, but as shown by the learned counsel for respondents, the petitioner wrote a letter dated 09.04.2018 (P-10), whereby he sought cancellation of the allotment in his favour stating therein that he did require the plot any longer and sought for refund of the FDR of Rs. 5,000/- paid by his deceased wife.

11. It is pertinent to mention that it was pointed out by learned counsel for the respondents that the deadline towards payment of the cost of the Unit for all applicants including the petitioner had been extended till 31.12.2019 but even during such period, the petitioner neither came forward nor sought withdrawal of the said cancellation letter, and eventually, the allotment was cancelled on 02.09.2022, whereas the petitioner made his first representation only on 12.12.2023.

12. To my mind, the plea taken by the petitioner that he had mental health issues is only by way of an afterthought. No reasons were spelled out in the letter dated 09.04.2018 whereby cancellation of allotment and refund of the security amount were sought. The petitioner took an inordinate time in reverting to the respondent/DDA for withdrawal of his letter of cancellation for allotment and after sitting comfortably for a long time, now that obviously the market



price of the land has gone up, he is apparently seeking to reap the benefits. The allotment of any property on the part of respondent No.1/DDA cannot be dependent upon the *ipse dixit* of the applicant/allottee. The petitioner was duty bound to comply with the terms and conditions of the scheme which he has miserably failed to do.

13. A bare perusal of the impugned order dated 25.10.2023 would show that the competent authority has gone through the entire record of the case and in paragraph (10) of the said order, it is reflected that the petitioner had stated that he did not require the plot any longer and based on only the failure to make payment of premium of the plot, the allotment was cancelled. The reasons for rejection of representation of the petitioner are quite apparent and if the respondent No.1/DDA is called upon to take a humanitarian view in all such types of cases, there would be no end to the allotment process under one scheme or the other of the DDA.

14. In view of the foregoing discussion, the present writ petition is dismissed.

DHARMESH SHARMA, J.

OCTOBER 18, 2024

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