



\$~125

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

+ W.P.(C) 15421/2024

MOHAN LAL ARORA

.....Petitioner

Through: Dr. K.S. Bhati and Mr. Karan
Singh, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Sanjay Katyal and Ms.
Kritika Gupta, Advs. for DDA

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

%

05.11.2024

CM APPL. 64656/2024 (EXMP.)

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

W.P.(C) 15421/2024

3. The petitioner is invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India seeking issuance of appropriate writ for a direction to the respondent to handover the allotted plot to the petitioner on inheriting the rights in respect thereof from his deceased father.
4. Learned counsel for the respondent/DDA¹ is present on advance notice.
5. Shorn of unnecessary details, it is the case of petitioner that his father booked a plot in DDA Rohini Scheme in the year 1981 by depositing a sum of Rs. 2,000/- against receipt No. A/855/81 dated

¹ Delhi Development Authority



21.04.1981 *vide* application No. 221175 and he died sometime in the year 1991. It is stated that thereafter he received letters from the respondent/DDA dated 02.08.2004 to 06.08.2004 to the effect that in terms of draw of lots held on 26.07.2004, a plot bearing No. 565, Pocket-A-1, Sector-30, area measuring 32 Sq. mtrs. in Rohini Phase-IV has been allotted to him on perpetual leasehold basis and as per the demand raised, he deposited a sum of Rs. 1,50,000/- with the respondent/DDA by way of demand draft.

6. The grievance of the petitioner is that, later on he came to know that somebody else has been trying to secure the allotment of the aforesaid plot based on forged and fabricated documents in collusion with the officials of the respondent/DDA. It is stated that he had immediately contacted the officials of the respondent/DDA apprising them that somebody else was trying to usurp upon the plot of land and he was assured that no new allotment would be done without the knowledge of the petitioner and it was only on 16.12.2021 that he came to know that some third person, namely Sanjay Kumar has been allotted the aforesaid plot on 22.02.2018.

7. Learned counsel for the respondent/DDA has pointed out that the petitioner in the petition *vide* paragraph (9) has pleaded that he had filed Civil Suit in the year 2016 seeking permanent injunction against the DDA and later on withdrew the same due to technical defects. It is urged that such details have not been indicated in the pleadings or otherwise by way of any documents. It was further pointed out by the learned counsel for the respondent/DDA that property has since been converted into freehold as well in favour of Mr. Sanjay Kumar, who also claimed to be the son of the deceased/original allottee.

8. It is borne out from the record that representation of the



petitioner dated 28.12.2020 on the subject was rejected by the respondent/DDA vide letter dated 02.09.2022 *inter alia* pointing out that the original allottee Mr. Bhagwan Das had expired on 02.02.2005 and a request for mutation was received from one Mr. Sanjay Kumar, which was allowed on 18.02.2015 and the possession letter was issued in favour of the said person, which property was also converted into freehold in favour of the GPA holder/purchaser Mr. Billoo Devi w/o Sh. Satya Pal on 22.02.2018.

9. It is evident that the petitioner is unable to account for the long period of time that he took in asserting his legal rights. By his own admission, he had instituted a suit in the year 2016 and even after receiving reply dated 02.09.2022 he sat over his rights for almost two years. The bottom line is that whether or not Mr. Sanjay Kumar was entitled to effect mutation in his name and was rightly allotted the plot in question and whether or not subsequent action by DDA in converting the freehold property was lawful, are disputed questions of fact which cannot be entertained and adjudicated upon in the present writ petition.

10. Hence, the present writ petition is dismissed on account of delay and laches and also for not being maintainable in accordance with law.

DHARMESH SHARMA, J.

NOVEMBER 05, 2024/sm