



2024:DHC:9914



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 20th December, 2024***+ **W.P.(C) 17621/2024****KANHAIYA LAL**

.....Petitioner

Through: **Mr. Dilip Singh, Mr. Vikram Aditya
Singh, Mr. R. Karthik, Advocates**

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: **Mr. Arjun Mahajan, Standing Counsel
for DDA with Mr. Apoorv Upmanyu,
Advocates****CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is a differently-abled-person.
2. He applied for allotment of a shop under *Handicapped Category*.
3. The draw was held on 16.09.2019 and he was allotted shop in Tikri Kalan, Delhi.
4. Pursuant to demand-cum-allotment letter, the petitioner has, as averred in the writ petition, deposited the entire amount with respect to the aforesaid allotment.
5. Petitioner is resident of A-153, Sudarshan Park, Ramesh Nagar, Delhi-110015.
6. According to him, the distance between his residence and the allotted shop is approximately twenty-five kilometres and being differently-abled person, it would be difficult for him to commute daily to earn his livelihood from the aforesaid shop. It is also submitted that he has been chasing the



respondent-Authority repeatedly with request to allot him an alternate shop near to his residence. In this regard, he also strongly relies upon the policy of DDA as contained in Circular No. F.1(11)97/OTA/CE/312 dated 28.09.2000 which reads as under: -

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE DIRECTOR (CL)**

F.1(11)97/OTA/CE/312

Dated: 28.9.2000

C I R C U L A R

Policy regarding change of location

A circular No. F.1(3)98/PH/CE/1899 dt. 18.5.2000 was issued indicating the circumstances in which locations of shops could be changed. Thereafter certain requests were made by physically handicapped allottees or widows who because of their physical or domestic conditions can not traverse long distances to road, the shops even in the same zone. In Delhi, sizes of the zones are quite big and an allottee might have to travel 10 to 25 kms, even in the same zone. This does not seem the purpose for which the shop was allotted to a physically handicapped person or a widow.

The issue was considered in consultation with V.C. and in partial modification of Circular No. F.1(3)98/PH/CE/1899 dt. 18.5.2000 on the subject it has been decided that request for change of shop even in the same zone can be considered in exceptional cases of physically handicapped persons and widows who even though having been allotted a shop as per their preference of zone by computerised draw are not in a position to reach the shop due to their physical handicap or lack of wherewith. Is subject to the condition that a shop is available in a closely area and is more or less similarly placed.

(Surjit Roy)
Director (CL)

Copy endorsed to :-

- 1. O.S.D. to V.C.*
- 2. O.O. (CE)*
- 3. A.O. (CE)*
- 4. PS to CLD*
- 5. Supdt. (CE)*
- 6. official concerned*
- 7. Guard file*

7. According to petitioner, his last such representation addressed to DDA is dated 14.10.2024 which has yet not been considered.

8. Learned counsel for respondent/DDA appears on advance notice and



submits a proposal. He states that the present writ petition shall be treated as representation and shall be decided by the respondent-Authority within eight weeks from today.

9. Learned counsel for petitioner has no objection to the aforesaid proposal.

10. Keeping in mind the overall facts and circumstances of the case and the aforesaid statements made by learned counsel for the parties, present writ petition is disposed of with direction to the respondent-Authority to consider the present writ petition as a representation and to decide the same within eight weeks from today.

11. It is made clear that keeping in mind the fact that petitioner is differently-abled-person, the present case has to be given requisite priority by the respondent-Authority and no request for extension of time shall be considered.

12. Needless to say, if the petitioner is aggrieved by the outcome of his such representation, he would be at liberty to revive the present petition.

(MANOJ JAIN)
JUDGE

DECEMBER 20, 2024/dr