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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3222/2024**
VINEET GOSWAMI

.....Petitioner

Through: Mr. Ishan Sanghi, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Arun Birbal with Mr. Sanjay
Singh, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

04.03.2025

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1. Petitioner seeks direction to DDA to allocate him a flat on ground floor at any of the preferential locations.
2. The petitioner has a physical disability exceeding 60 % in both his legs. A disability certificate has been issued to him wherein it is specified that suffers from locomotor disability and has 60% permanent disability in relation to his hip and both the legs.
3. He applied for allotment of a flat under DDA's *Special Housing Scheme, 2021* under *Divyangjan* category.
4. He was allotted HIG flat on *thirteenth floor* in Jasola.
5. According to petitioner, though a lift was installed in the building in question, keeping in mind his disability and the fact that there was a provision for allotting a flat at ground floor on preference basis, the above said flat was of no use to him.
6. It was in the above said backdrop that the petitioner had filed the

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present petition praying for allotment in lieu of the above said *thirteenth floor* flat.

7. However, there is one vital aspect of the case which cannot be disregarded.

8. The petitioner himself sent an e-mail to DDA on 18.05.2022. By virtue of above said communication, he expressed his desire to surrender the above said HIG flat.

9. Such e-mail reads as under:-

“With due respect this is to bring to your kind notice that i am a Person with Benchmark Disability having 60% Orthopaedic Disability affecting both legs.

2. In this regard, i had informed the DDA authorities that despite applying for DDA Special Housing Scheme 2021 under Person with Disability Category i was allotted a HIG Flat in Jasola at the Thirteenth floor in a building comprising of Fourteen Floor which is unfair, inhuman and a mock on my disability by DDA authorities considering my both legs affected due to orthopaedic disability.

3. Further, despite my complaint on the allotted flat i am surprised that no action has been taken on my complaint against the allotted flat and a demand cum allotment letter dated 18th May 2022 (Copy enclosed)has been issued by DDA Authorities to me with no regard or concern for Person with Disability. This shows that they don't care how a Person with Disability will reach 13th Floor or shall evacuate from 13th Floor in case of Emergency like Fire, Earthquake etc.

4. In view of the above, i Vineet Goswami hereby wish to inform the DDA authorities that i wish to surrender my DDA HIG flat in Jasola as my physical disability does not permit me to purchase a DDA flat at thirteenth floor.

5. Accordingly DDA Authorities are requested to refund me my full amount paid as Registration Charges towards DDA Special Housing Scheme 2021 at the earliest for safeguarding the interest of a Person with Benchmark Disability as i had never requested for a flat at the Thirteenth Floor, please.

Thanks & Regards

Vineet Goswami

Lucknow

+91-8377969651”

10. In view of the above said request received from the petitioner, his



request for surrender of flat was accepted and the amount in question was also refunded, after deducting penalty of Rs. 10,000/-.

11. Thus, evidently, at the moment, the petitioner does not even have an allotment in his favour and, therefore, he is no position to even make a request for swapping the same with some other flat at ground floor.

12. After hearing arguments for some time, learned counsel for petitioner, on instructions, submits that, without prejudice to his rights and contentions, the petitioner does not press the present writ petition, at the moment. He, however, seeks liberty to file representation with respondent DDA, highlighting therein that since no *ground floor* had been allocated to him, he was left with no option but to surrender the above said *thirteenth floor* flat. He would also pray for regularization or for re-allotment of flat.

13. Learned standing counsel for DDA, without prejudice to his rights and contentions, submits that as and when any such representation is filed by petitioner, they would consider the same in accordance with law.

14. In view of the above, without making any observation with respect to merits of the case and in terms of the above said statement made by the petitioner, the present petition is disposed of as not pressed.

15. All rights and contentions of parties are reserved.

16. Petitioner is at liberty to file appropriate representation within a period of four weeks from today, and if any such representation is filed, the respondent shall consider the same in accordance with law.

17. Petition stands disposed of in the above said terms.

MANOJ JAIN, J

MARCH 4, 2025/sw/pb