



2025:DHC:8046



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

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Date of Decision: 21.07.2025

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+ **W.P.(C) 9699/2019****SAROJ BALA**

.....Petitioner

Through: Mr. Udit Chauhan, Mr. Aditya Prakash
Arora, Ms. Kashish Khurana,
Advocates

versus

GOVT. OF NCT DELHI & ORS.

.....Respondents

Through: Mr. Raghvendra Upadhyay, Panel
Counsel, GNCTD with Ms. Purnima
Jain and Mr. Chandra Kishore Yadav,
Advocates for R-1/GNCTD
Mr. Kuljeet Singh, Mr. Shivam Takiar
and Mr. Prateek Dhir, Advocates for
DDA

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+ **W.P.(C) 11175/2019****CHARANJEET KAUR**

.....Petitioner

Through: Mr. Udit Chauhan, Mr. Aditya Prakash
Arora, Ms. Kashish Khurana,
Advocates

versus

GOVT. OF N.C.T. OF DELHI AND ORS.

.....Respondents

Through:

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+ **W.P.(C) 12125/2019****KIRAN BALA**

.....Petitioner

Through: Mr. Udit Chauhan, Mr. Aditya Prakash
Arora, Ms. Kashish Khurana,
Advocates

versus

GOVT. OF N.C.T. OF DELHI AND ORS.

.....Respondents

Through: Ms. Rachita Garg and Mr. Agam
Rajput, Advocates for R-1/GNCTD



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W.P.(C) 13801/2019

SMT. SUHAGAN DEVI

.....Petitioner

Through: Mr. Udit Chauhan, Mr. Aditya Prakash
Arora, Ms. Kashish Khurana,
Advocates

versus

DELHI DEVELOPMENT AUTHORITY AND ORS.Respondents

Through:

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W.P.(C) 1380/2020

KAUSHALYA DEVI

.....Petitioner

Through: Mr. Udit Chauhan, Mr. Aditya Prakash
Arora, Ms. Kashish Khurana,
Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORSRespondents

Through: Ms. Sweety Singh, Advocate for R- 2
to 5

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W.P.(C) 1381/2020

KULDEEP KUMAR

.....Petitioner

Through: Mr. Udit Chauhan, Mr. Aditya Prakash
Arora, Ms. Kashish Khurana,
Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORSRespondents

Through: Ms. Sweety Singh, Advocate for R- 2
to 5

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W.P.(C) 1453/2020

VINOD KUMAR

.....Petitioner

Through: Mr. Udit Chauhan, Mr. Aditya Prakash
Arora, Ms. Kashish Khurana,
Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS.....Respondents

Through: Ms. Sweety Singh, Advocate for R- 2
to 5



CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present petitions have been filed for a direction to the Sub-Division Magistrate for issuance of recommendation letter and also for a direction to the Delhi Development Authority (DDA) to issue fresh Allotment Letter in favour of the Petitioners who claim to be entitled for the rehabilitation under the 'Housing Scheme for rehabilitation of Punjab Migrants' [hereinafter referred to as "HSRPM"]].

2. Brief facts relevant for these Petitions are that following the Punjab insurgency in the late 1980s and early 1990s, numerous families including the families of the Petitioners herein were displaced due to escalating violence and militancy. The families of the Petitioners thereafter, sought refuge in Delhi, where they were provided temporary shelter in camps designated by the Government of India. Seven such camps were established in Delhi including Peera Garhi, Govind Puri, Jwala Puri, Paalika Hostel, Mori Gate, Mangol Puri, and Jahangir Puri, with Peera Garhi being the largest.

2.1 To ensure verification of the displaced families, the Government directed the heads of these families to present themselves at Tis Hazari Court along with ration cards and family photographs and to submit all documents to the Deputy Commissioner of Delhi. Upon submission of the relevant documents, a ration card surrender slip was issued, and a Register was created, which recorded the family details, including photographs and signatures of the head of the family. The families in the camps were provided a monthly relief of Rs. 1000/- [Rupees One Thousand] until March 1997.

2.2 Initially, those migrants who arrived during the early phase were



allocated tents in the relief camps by the Government. However, those migrants who arrived later were responsible for setting up their own tents within the relief camps. In addition, the Government only provided a monthly relief of Rs. 1000/- to those migrants who had arrived during the initial phase.

2.3 Thereafter, the SDM Punjabi Bagh directed for identification of those families which are within the Peera Garhi Camp and had received relief. Accordingly, two lists were formulated containing details of 2130 individuals who were paid relief amounts till 1997 and the other list of 457 individuals who did not draw any amount up to 1997. All these individuals were migrants in Peera Garhi Camp.

2.4 In March 2000, the Central Government and Government of NCT of Delhi [Respondent No. 1 in the present batch of Petitions], launched the Housing Scheme for Rehabilitation of Punjab Migrants (HSRPM) to facilitate the resettlement of the displaced families. As per the HSRPM scheme, the area SDMs [Sub-Divisional Magistrates] were authorized to issue recommendation letters for allotment of flats to eligible migrants, with the DDA being responsible for allocating the flats based on these recommendations.

2.5 The initial draw for the allotment of flats was conducted by the DDA in the year 2001. However, it was subsequently revealed that approximately 325 recommendation letters, upon which flats were allotted in the 2002 draw, were found to be fraudulent. As a result, two separate First Information Reports (FIRs) were registered: FIR No. 191/2006 in relation to the 2004 draw, and FIR No. 1020/2015 concerning the 2008 draw. These FIRs were registered to investigate the alleged irregularities and fraudulent activities associated with the respective draws. The Economic Offences Wing, Delhi



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Police [“EOW”] submitted its report in connection with FIR No. 1020/2015, which pertains to the alleged irregularities and fraudulent activities associated with the 2008 draw for the allotment of flats.

2.6 As a result, as further scrutiny was applied to the subsequent draws held in the years 2004 and 2008. Since the allotment of flats by the DDA to Punjab Migrants was in question, these migrants and their legal heirs approached this High Court by way of these Writ Petitions.

3. As discussed above, the Petitioners in these Petitions have sought the relief of issuance of letters to the Respondent/DDA for allotment of migrant housing. The Petitioners have placed on record their reasons for such allotment. It is apposite to set out a summary of contentions raised by the Petitioners in the present batch of matters for allotment of flats below:

Writ Petition No.	Name of the Petitioner	Contentions/Objection raised by the Petitioner(s)
W.P. (C) 9699/2019	Smt. Saroj Bala W/o Sh. Jugal Kishor	The Petitioner’s husband, a genuine Punjab Migrant, applied on 27.07.2004 for a recommendation letter but was wrongly informed by the SDM’s office that his name was not in the survey list, though the Petitioner’s name had been duly recorded. Despite repeated visits, the same response was given until an RTI reply later confirmed his name in the original list. On 19.02.2008, he applied for substitution of his name as head of the family but received no response, and due to the inaction of Respondents No. 2 and 3, his applications under HSRPM were never accepted. <u>After his demise on 08.07.2013, the SDM in 2015 confirmed the Petitioner’s details at Serial No. 1633 in the list of 2130 Punjab Migrants, whereupon she applied under HSRPM on 02.12.2016. Thus, DDA’s observation that she never applied under the scheme is incorrect and inconsequential.</u>
W.P. (C) 11175/2019	Charanjeet Kaur	The Petitioner submitted all necessary documents to the SDM and DDA, and <u>the Relief Records bear the signature and family photo of her late husband, Krishan Lal.</u> His name is duly listed in the list of 2130 Punjab migrants, but <u>a recommendation letter was</u>



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		<u>fraudulently issued to another person.</u> Despite this, the Petitioner's family remains entitled to benefits under the Scheme, as confirmed by the EOW report acknowledging Krishan Lal's rightful inclusion. <u>Krishan Lal passed away in 1999.</u>
W.P. (C) 12125/2019	Kiran Bala	<u>The Petitioner submitted all required documents, including her husband's death certificate and ID proofs, to the SDM and DDA.</u> Though the original application form had her husband Rakesh Aggarwal's picture, it was later replaced, leading to denial of the claim. His name appears at Sr. No. 80 in the NOC issued by SDM Punjabi Bagh and in the list of 457. <u>Both the EOW report and Punjab Government records confirm that the Petitioner's husband was a genuine Punjab migrant, but someone else fraudulently applied under his name.</u>
W.P. (C) 13801/2019	Smt. Suhagan Devi	The Petitioner, being the head of the family, was not required to submit RD (Relinquishment Deed) or SMC (Surviving Member Certificate). Her original application bore her photograph, but it was later replaced with that of another woman, leading to denial of the claim. <u>The EOW report confirms that her name exists in the list of 457 and someone else fraudulently applied under her identity. The Punjab Government also recognizes her as a genuine Punjab migrant.</u>
W.P. (C) 1380/2020	Smt. Kaushalya Devi, W/o Sh. Hans Raj	The Petitioner submitted the Surviving Member Certificate (SMC), and her name appears in the Old Scroll alongside her son, as her husband had passed away before its issuance. <u>Despite her name being listed at Sr. No. 887 in List 2130, a fraudulent NOC was issued to Devender Kumar.</u> The Petitioner filed a complaint with the EOW regarding impersonation, and the EOW sought clarification from the SDM. However, her application was rejected without addressing the EOW's queries, and a generic rejection was given, as reflected in the <u>W.P.(C) 9054/2017 captioned Sh. Jagdish Kumar Vs Govt. Of N.C.T. Of Delhi and Ors.</u> The Punjab Government also recognizes the Petitioner as a genuine Punjab migrant.
W.P. (C) 1381/2020	Sh. Kuldeep Kumar	The Petitioner submitted the or Surviving Member Certificate (SMC), with no Relinquishment Deed (RD) required, and <u>List 457 at Sr. No. 278 clearly bears the name of her mother, Pushpawati, along with her thumbprint and family photo in the Relief Register.</u> <u>Despite this, a fake NOC was issued to one Davinder, who impersonated Petitioner's brother Kuldeep Kumar.</u> The Petitioner communicated to SDM, along



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		with relevant documents, including the acknowledgment and demand letter. The EOW report confirms the impersonation, and the Punjab Government recognizes the Petitioner's family as genuine Punjab migrants.
W.P. (C) 1453/2020	Sh. Vinod Kumar	No Relinquishment Deed (RD) or Surviving Member Certificate (SMC) was required as the Petitioner, Vinod Kumar, is alive. <u>His name, signature, and family photograph appear in the Relief Records and at Sr. No. 457 in the list. However, someone else fraudulently applied for the flat in his place,</u> as also confirmed by the EOW report.

4. By the order dated 20.03.2023, this Court directed the SDM Punjabi Bagh to file a status report with respect to all the Petitioners.

4.1 In compliance of the order dated 20.03.2023, a status report dated 12.04.2023 was submitted by the Respondents, wherein the claims of all the Petitioners were rejected.

5. The Petitioners subsequently filed Replies against the report dated 12.04.2023 wherein it was stated that genuineness of the migrants be considered afresh.

5.1 The reports dated 01.12.2023 filed by the SDM Punjabi Bagh with respect to each Petitioner rejected their claims for allotment again. Against the report dated 01.12.2023, several replies were filed by the Petitioners of the present batch wherein it was stated that findings given by the SDM Punjabi Bagh in the report dated 01.12.2023 are not in consonance with the record.

5.2 This suggestion was accepted by the Respondents. Consequently, a joint committee comprising of officials of DDA AERO, BDO (West) and under Chairmanship of SDM Punjabi Bagh [hereinafter referred to as "Committee"] was constituted by an order passed in LPA 86/2017 captioned



Amarjeet v. DDA & Ors. By an order dated 16.04.2025, the Court directed a meeting of the Committee to be scheduled on 02.05.2025. The relevant extract of the order dated 16.04.2025 are set out herein below:

“2. Learned Counsel for the Petitioners submit that the contents of the Affidavit appear to be more than 2 years old. It is contended that thereafter the Petitioners have already placed the deficient documents before the Committee as appointed by the Division Bench in LPA 86/2017 captioned ***Amarjeet v. DDA & Ors.***

2.1 Learned Counsel for the Petitioners requests for some time to file an appropriate Affidavit in response, setting out these details. Let the needful be done within one week with an advance copy to the learned Counsel for the Respondents.

3. **Learned Counsel for the Petitioners request that a meeting be scheduled with the Committee to present their case.**

3.1 Learned Counsel for the Respondents submit that they would also like to be present at the Committee meeting.

4. **Accordingly, a meeting of the Committee is scheduled on 02.05.2025 at 11:00 AM at the office of the SDM, Punjabi Bagh, Nangloi. Learned Counsel for the Petitioners shall be allowed to accompany the Petitioners for the meeting.**

5. **The Committee is requested to examine the documents of the Petitioners and seek clarifications/additional documents if requisite. All clarifications/additional documents shall be provided within a week thereafter.**

5.1 **If necessary, more than one meeting can be held between the Petitioners and the Committee.**

6. **The status report/minutes of the meeting(s) shall be placed on record at least 3 days before the next date of hearing by Respondent Nos.1 and 2 with an advance copy to the Petitioners.”**

[Emphasis Supplied]

5.3 The Petitioners also requested that they may be permitted to meet with the concerned officials to produce the deficient documents.

6. In compliance of the Order dated 16.04.2025 and the earlier orders passed by this Court, a Joint Committee Meeting was held between the Respondents as well as Petitioners with their Counsels on 02.05.2025 at 11



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am. In pursuance of that meeting, a status report of compliance has been filed by the Respondent Nos. 1 and 2 on 20.05.2025. The status report along with detailed minutes of meeting of the 19.05.2025 has also been placed on record.

7. Learned Counsel appearing on behalf of the Respondent Nos. 1 and 2 submits that so far as concerns the Petitioners, their plea in the present Petitions has been rejected and reasons for such rejection has also been set out in the minutes of the meeting dated 19.05.2025 held on 02.05.2025 at the Office of the SDM Punjabi Bagh. It is thus contended that the prayers in the present Petitions cannot be granted since the Petitioners have been found to be ineligible for the following reasons:

Writ Petition No.	Name of the Petitioner	Reason for rejection
W.P. (C) 9699/2019	Smt. Saroj Bala W/o Sh. Jugal Kishor	The name of Smt. Saroj Bala is not appearing in the original draw list of draw no. 201/2008 and recommendation letter has not been issued to her. It was noted by the Committee that EOW report was not given by EOW as instant case does not fall under draw no. 201/2008. Therefore, as per the mandate of the committee, her case cannot be considered and rejected.
W.P. (C) 11175/2019	Charanjeet Kaur	It was pointed out by DDA that Smt. Charanjeet Kaur has not applied in the DDA under HSRPM. The Joint Committee noted that the EOW report is adverse and thus her case was rejected.
W.P. (C) 12125/2019	Kiran Bala	It was pointed out by the DDA that Smt. Kiran Bala has not applied in the DDA under HSRPM. The committee noted that it will not be expedient to consider the case as EOW report is unambiguously conclusive and adverse. Thus, the case was rejected.
W.P. (C) 13801/2019	Smt. Suhagan Devi	It was pointed out by the DDA that Smt. Suhagan Devi has not applied in the DDA under HSRPM. EOW report in the matter is adverse on the point of impersonation. Accordingly, the case was rejected.



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W.P. (C) 1380/2020	Smt. Kaushalya Devi, W/o Sh. Hans Raj	It was pointed out by the DDA that Smt. Kaushalya Devi has not applied in the DDA under HSRPM and the original allottee as per draw list Sr. No. 192/2008 is Devender Kumar S/o Satpal. As per mandate order No.F.1(1)/SDM/PB/2014/4979 dated 12.08.2014, the Committee is to verify the genuineness remaining 150 cases of successful allottee of DDA draw no. 201 of the year 2008 and will verify the genuineness of only those left out cases which were already recommended by SDM (Punjabi Bagh) and it will not consider any new application. Accordingly, the case was rejected.
W.P. (C) 1381/2020	Sh Kuldeep Kumar	It was pointed out by the DDA that Sh. Kuldeep Kumar has not applied in the DDA under HSRPM. EOW report is adverse. Accordingly, his case was rejected.
W.P. (C) 1453/2020	Sh. Vinod Kumar	It was pointed out by the DDA that Sh. Vinod Kumar has not applied in the DDA under HSRPM. EOW report is adverse. Accordingly, his case was rejected.

8. This Court has examined the Status Report and heard the parties. The learned Counsel for the Petitioners has reiterated his contentions that they are eligible.

9. This Court has briefly examined the contentions of both the parties based on the documents filed which is set out in brief below.

W.P. (C) 9699/2019

10. The contention of the Petitioner/Mrs. Saroj Bala, in her Petition was that her husband applied on 27.07.2004 for a recommendation letter but was wrongly informed by the SDM's office that his name was not in the survey list, though the Petitioner's name had been duly recorded which was later confirmed by RTI. On 19.02.2008, he applied for substitution of his name as head of the family but received no response, and due to the inaction of Respondents No. 2 and 3, his applications under HSRPM were never



accepted. After his demise on 08.07.2013, the SDM in 2015 confirmed the Petitioner's details at Serial No. 1633 in the list of 2130 Punjab Migrants, whereupon she applied under HSRPM on 02.12.2016. Thus, DDA's observation that she never applied under the scheme is incorrect and inconsequential.

10.1 This has been examined by the Respondent Nos. 1 and 2 on two occasions. In the first instance, the SDM Punjabi Bagh by its Status Report dated 01.12.2023 found that that her name was not in the draw No. 201/2008. Subsequently, the Petitioner was permitted to file all documents that it sought to rely upon. In pursuance of the additional documents filed and the meeting held between the Respondent and the Petitioner, the Respondent has come to the conclusion that since name of Smt. Saroj Bala is not appearing in the original draw list of draw no. 201/2008, a recommendation letter has not been issued to her. The Committee has found that the instant case does not fall under draw no. 201/2008, thus, her case cannot be considered and is rejected.

W.P. (C) 11175/2019

11. The contention of the Petitioner/Mrs. Charanjeet Kaur, in her Petition was that all necessary documents to the SDM and DDA, and the relief records bear the signature and family photo of her late husband, Krishan Lal. His name is duly listed in the list of 2130 Punjab migrants, but a recommendation letter was fraudulently issued to another person. Despite this, the Petitioner's family remains entitled to benefits under the Scheme, as confirmed by the EOW report acknowledging Krishan Lal's rightful inclusion. Krishan Lal passed away in 1999.

11.1 This has been examined by the Respondent Nos. 1 and 4 on two occasions. In the first instance, the Respondent No. 3 by its Status Report



dated 01.12.2023 found that as per EOW, another person applied in place of Smt. Charanjeet Kaur. The Committee also noted DDA's stand that since she had not applied in DDA, her claim for possession of the flat is rejected. Subsequently, and basis on this report, the Petitioner was permitted to file all documents that it sought to relied upon. In pursuance of the additional documents filed and the meeting held between the Respondent and the Petitioner, the Respondent has come to the conclusion that Smt. Charanjeet Kaur has not applied in the DDA under HSRPM. The Joint Committee also noted that the EOW report is adverse to her case and thus her case was rejected.

W.P. (C) 12125/2019

12. The contention of the Petitioner/Mrs. Kiran Bala, in her Petition was that all required documents, including her husband's death certificate and ID proofs, to the SDM and DDA. Though the original application form had her husband Rakesh Aggarwal's picture, it was later replaced, leading to denial of the claim. His name appears at Sr. No. 80 in the NOC issued by SDM Punjabi Bagh and in the list of 457. Both the EOW report and Punjab Government records confirm that the Petitioner's husband was a genuine Punjab migrant, but someone else fraudulently applied under his name.

12.1 This has been examined by the Respondent Nos. 1 and 4 on two occasions. In the first instance, the Respondent No. 3 by its Status Report dated 01.12.2023 found that as per the EOW Report, another person applied in place of Rakesh Kumar Aggarwal. The Committee also made a note of DDA's stand that since Smt. Kiran Bala had not applied in the DDA, her claim for possession of the flat is rejected. Subsequently, and basis on this report, the Petitioner was permitted to file all documents that it sought to relied upon.



In pursuance of the additional documents filed and the meeting held between the Respondent and the Petitioner, the Respondent has come to the conclusion that since Smt. Kiran Bala and her husband has not applied under HSRPM scheme her case was rejected.

W.P. (C) 13801/2019

13. The contention of the Petitioner/Smt. Suhagan Devi, in her Petition that original application bore her photograph, but it was later replaced with that of another woman, leading to denial of her claim. The EOW report confirms that the name of the Petitioner exists in the list of 457 and someone else fraudulently applied under her identity.

13.1 This has been examined by the Respondent Nos. 1 and 2 on two occasions. In the first instance, the Respondent No. 3 by its Status Report dated 01.12.2023 found that as per EOW, another person applied in place of Smt. Suhagan Devi. The Committee noted DDA's stand that since she had not applied in DDA, her claim for possession of the flat is rejected. Subsequently, and basis on this report, the Petitioner was permitted to file all documents that it sought to relied upon. In pursuance of the additional documents filed and the meeting held between the Respondent and the Petitioner, the Respondent has come to the conclusion that EOW report in the matter is adverse on the aspect of impersonation and since there was no application, the case was rejected.

W.P. (C) 1380/2020

14. The contention of the Petitioner/Mrs. Kaushalya Devi, in her Petition was that her name being listed at Sr. No. 887 in the list of 2130 migrants. However, the Petitioner found that her name appears in the Old Scroll alongside her son. It was stated that her husband had passed away and a



fraudulent allotment was made to some Mr. Devender Kumar. The Petitioner filed a complaint with the EOW regarding impersonation, and the EOW sought clarification from the SDM. However, her application was rejected without addressing the EOW's queries, and a generic rejection was given.

14.1 This has been examined by the Respondent Nos. 1 and 2 on two occasions. In the first instance, the Respondent No. 3 by its Status Report dated 01.12.2023 found that as per EOW report, a third party impersonated as the grandson of Smt. Kaushalya Devi and obtained the NOC for allotment. However, it was also found that NOC No. 887 had been issued in the name of Devender Kumar s/o Satpal by DDA on 03.04.2014. The Committee noted DDA's stand that since she had not applied in DDA, her claim for possession of the flat is rejected. Subsequently, and basis on this report, the Petitioner was permitted to file all documents that it sought to relied upon. In pursuance of the additional documents filed and the meeting held between the Respondent and the Petitioner, the Respondent has come to the conclusion that since Smt. Kaushalya Devi has not applied in the DDA under HSRPM and the original allottee as per draw list Sr. No. 192/2008 is Devender Kumar S/o Satpal. As per the mandate, order No.F.1(1)/SDM/PB/2014/4979 dated 12.08.2014, the Committee is to verify the genuineness remaining 150 cases of successful allottee of DDA draw no. 201 of the year 2008 and will verify the genuineness of only those left out cases which were already recommended by SDM Punjabi Bagh and it will not consider any new application. Accordingly, the case was rejected.

W.P. (C) 1381/2020

15. The contention of the Petitioner/Mr. Kuldeep Kumar, in her Petition was that the list of 457 at Sr. No. 278 clearly bears the name of her mother,



Pushpawati, along with her thumbprint and family photo in the Relief Register. Despite this, a fake NOC was issued to one Davinder Kumar, who impersonated as the Petitioner's brother as informed by the EOW. The Petitioner communicated to SDM, along with relevant documents, including the acknowledgment and demand letter.

15.1 This has been examined by the Respondent Nos. 1 and 2 on two occasions. In the first instance, the Respondent No. 3 by its Status Report dated 01.12.2023 found that as per EOW, NOC was issued to one Sh. Davinder Kumar s/o Ram Saran Dass by SDM Punjabi Bagh. Thus, on scrutiny, it emerged that another person applied in DDA for allotment in place of Kuldeep Kumar. The Committee noted DDA's stand that since he had not applied in DDA, his claim for possession of the flat is rejected. Subsequently, and basis on this report, the Petitioner was permitted to file all documents that it sought to relied upon. In pursuance thereof and the meeting held between the Respondent and the Petitioner, the Respondent has come to the conclusion that Sh. Kuldeep Kumar has not applied in the DDA under HSRPM, his case was rejected.

W.P. (C) 1453/2020

16. The contention of the Petitioner/Mr. Vinod Kumar, is that the name, signature, and family photograph appear in the Relief Records and at Sr. No. 450/457 in the list. However, a third party fraudulently applied for his flat. This was also confirmed by the EOW report.

16.1 This has been examined by the Respondent Nos. 1 and 2 on two occasions. In the first instance, the Respondent No. 3 by its Status Report dated 01.12.2023 found that as per EOW, another person impersonated him and applied for the flat with DDA. The Committee noted DDA's stand that



since he had not applied in DDA, his claim for possession of the flat is rejected. Subsequently, and basis on this report, the Petitioner was permitted to file all documents that it sought to relied upon. In pursuance of the additional documents filed and the meeting held between the Respondent and the Petitioner, the Respondent has come to the conclusion that since Sh. Vinod Kumar has not applied in the DDA under HSRPM, his case was rejected.

17. It is settled law that in a Petition under Article 226/227 of the Constitution of India, 1950, the Court cannot go into the disputed questions of fact, including for the examination of administrative decisions. The Supreme Court in *Chatrapal v. State of U.P. & Anr.*¹, has discussed the settled law and held that while exercising the powers under Article 226/227 shall not reappreciate the evidence.

“17. It is trite law that ordinarily the findings recorded by the Inquiry Officer should not be interfered by the appellate authority or by the writ court. However, when the finding of guilt recorded by the Inquiry Officer is based on perverse finding the same can always be interfered as held in Union of India v. P. Gunasekaran, State of Haryana v. Rattan Singh and Chennai Metropolitan Water Supply and Sewerage Board v. T.T. Murali Babu. In P. Gunasekaran (supra), the following has been held by this Court in para nos. 12, 13, 16 & 17:

*“12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. **The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:***

(a) the enquiry is held by a competent authority;

(b) the enquiry is held according to the procedure prescribed in that behalf;

¹ 2024 SCC OnLine SC 146



(c) *there is violation of the principles of natural justice in conducting the proceedings;*

(d) *the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*

(e) *the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*

(f) *the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*

(g) *the disciplinary authority had erroneously failed to admit the admissible and material evidence;*

(h) *the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*

(i) *the finding of fact is based on no evidence.*

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

(i) reappreciate the evidence;

(ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;

(iii) go into the adequacy of the evidence;

(iv) go into the reliability of the evidence;

(v) interfere, if there be some legal evidence on which findings can be based.

(vi) correct the error of fact however grave it may appear to be;

(vii) go into the proportionality of punishment unless it shocks its conscience.

17. *In all the subsequent decisions of this Court up to the latest in Chennai Metropolitan Water Supply and Sewerage Board v. T.T. Murali Babu, (2014) 4 SCC 108:(2014) 1 SCC (L&S) 38, these principles have been consistently followed adding practically nothing more or altering anything.”*

[Emphasis Supplied]

18. The Supreme Court in the case of ***Municipal Corpn. of Greater Mumbai v. Vivek V. Gawde & Ors.***², while relying on the judgment of the

² 2024 SCC OnLine SC 3722



Constitution Bench of the Supreme Court in ***Rajendra Diwan v. Pradeep Kumar Ranibala & Anr.***³ held that the jurisdiction of the High Court under Articles 226 and 227 is supervisory and not appellate. The High Court, in exercise of such powers, does not reassess or reappraise facts and evidence as if sitting in appeal. An error apparent on the face of the record must be self-evident and not one which requires elaborate reasoning or re-examination of evidence. It was held that:

“16. We now proceed to discuss, noticing that the petition of the respondents was also filed under Article 227, whether the High Court could have granted succour to the respondents by exercise of its powers under such article. It is well settled that the provision bestows the high courts with powers of administrative and judicial superintendence over subordinate courts. The test for exercise of such power was laid down in a 5-Judge Constitution Bench decision of this Court in Rajendra Diwan v. Pradeep Kumar Ranibala as follows:

“85. The power of superintendence conferred by Article 227 is, however, supervisory and not appellate. It is settled law that this power of judicial superintendence must be exercised sparingly, to keep subordinate courts and tribunals within the limits of their authority. When a Tribunal has acted within its jurisdiction, the High Court does not interfere in exercise of its extraordinary writ jurisdiction unless there is grave miscarriage of justice or flagrant violation of law. Jurisdiction under Article 227 cannot be exercised ‘in the cloak of an appeal in disguise’.

86. In exercise of its extraordinary power of superintendence and/or judicial review under Articles 226 and 227 of the Constitution of India, the High Courts restrict interference to cases of patent error of law which go to the root of the decision; perversity; arbitrariness and/or unreasonableness; violation of principles of natural justice, lack of jurisdiction and usurpation of powers. The High Court does not reassess or re-analyse the evidence and/or materials on record...The writ jurisdiction of the High Court cannot be converted into an alternative appellate forum, just because there is no other provision of appeal in the eye of the law.”

[Emphasis Supplied]

18.1 It was further held in the ***Municipal Corpn.*** case that the decisions

³ (2019) 20 SCC 143



rendered by administrative authorities can only be interpreted with sparingly. The writ court is only to examine its own view on sufficiency of grounds or convert itself into an appellate forum merely because two views are possible; its role is confined to correcting grave miscarriage of justice or decisions which no reasonable authority could have taken as follows:

*“19. We now proceed to consider the second relief claimed in the writ petition of the respondents, i.e., the challenge laid to the order passed by the Inquiry Officer. **It is well settled that decisions rendered by administrative authorities can be interfered with by high courts in exercise of Article 226 powers, however, sparingly.** Recently, this Court in *W.B. Central School Service Commission v. Abdul Halim*⁷ while considering the scope of interference under Article 226 in an administrative action held that:*

*“31. In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. **The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is self-evident on the face of the record or whether the error requires examination or argument** to establish it.*

xxx

xxx

xxx

*33. **However, the power of the Court to examine the reasonableness of an order of the authorities does not enable the Court to look into the sufficiency of the grounds in support of a decision to examine the merits of the decision, sitting as if in appeal over the decision. The test is not what the Court considers reasonable or unreasonable but a decision which the Court thinks that no reasonable person could have taken, which has led to manifest injustice. The writ court does not interfere, because a decision is not perfect.**”*

[Emphasis supplied]

19. From an analysis of the factual matrix set out above, it is seen that the grievance raised by the Petitioners and the documents submitted by the Petitioners have been examined on more than once occasion by the Respondents and after a detailed examination of the same, the Respondents have found that the Petitioners are not entitled to any allotment for the reasons as has been set out in paragraphs 10 to 16 above.

20. The contentions that were raised by the Petitioners in these Petitions



were that they were entitled to rehabilitation under the HSRPM and that despite being legible and submitting all requisite documents, allotment letters were not granted to them. The contentions of the Petitioners were examined on multiple occasions. They were also permitted to produce additional documents and give clarifications sought for by the Respondents. A joint committee was also constituted comprising of officials from various agencies involved with a view that the grievances of the Petitioners be redressed. However, despite the foregoing, the Respondents have found the Petitioners to be ineligible and for the reasons as has been set out above including that the EOW report is not in favour of the Petitioners plea. Despite multiple opportunities given, the Petitioners have been unable to satisfy the Court that the decision taken by the Respondents was unreasonable or erroneous. The examination by this Court does not show the decision of the Respondents to be arbitrary or capricious or not based on reason.

21. In view of the foregoing these Petitions are dismissed. Pending Applications, if any, stand closed.

22. Learned Counsel for the Petitioner request for the liberty to challenge the findings of the EOW. Liberty is granted to the Petitioners to take appropriate steps *albeit* in accordance with law, to challenge the decision of the Report dated 30.09.2020 given by the EOW, Crime Branch, New Delhi rejecting the Applications of the Petitioners.

23. The parties shall act based on the digitally signed copy of the Order.

TARA VITASTA GANJU, J

JULY 21, 2025

g.joshi/r