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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3840/2019 & CM APPL. 17447/2019**

SMT. KRISHNA

.....Petitioner

Through: Mr. N.S.Dalal, Ms. Nidhi Dalal, Mr.
Alok Kumar, Ms. Rachana Dalal, Mr.
Karan Mann, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR.

.....Respondent

Through: Mr. Nitin Mishra, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
27.02.2025

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1. The prayer in the present writ petition reads as under:-

“(i) Quash e-auction notice (2018-2019) of residential properties on 'as and where is basis' to the extent to which it relates to Plot No.98, Sector-D Pocket-12A, Dwarka, New Delhi, appearing at Serial No.384, Plot No.64, Sector-10, Pocket-23B, Dwarka, New Delhi, appearing at Serial No.385 and Plot No. 138 Sector- 4, Pocket-23B, Dwarka, New Delhi, appearing at Serial No.386 in the E-Auction Notice, measuring 66 sq. meters (80 sq. yds.)
(ii) Direct the respondents to first allot a plot measuring 66 sq. meters (80 sq. yds.) in Dwarka to the Petitioner;
(iii) Award costs of the present Writ Petition in favour of the Petitioner and against the Respondents.
(iv) Pass any such other or further orders as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case, in favour of the Petitioner and against the Respondents.”

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2. The land of the petitioner was acquired and, *in lieu* of the acquired land, he was granted compensation and was recommended an alternative plot as well.
3. By virtue of filing the present petition, petitioner seeks plot in Dwarka and, simultaneously, seeks quashing of e-auction notice of residential properties whereby DDA has come up with auction of plots in Dwarka.
4. In view of the settled position of law, any such recommedee cannot, as a matter of right, claim plot in a particular area. Reference be made to *Ram Kumar versus Delhi Development Authority and Another: 2019 SCC OnLine Del 8312* and *Sh. Hari Ram and Another versus Govt. of NCT of Delhi and Another and connected matters* in W.P. (C) 5697/2018.
5. Mr. Dalal, learned counsel for the petitioner, also admits the legal position and merely submits that the petitioner was recommended allotment of an alternative plot way back in the year 2013 and till date nothing has happened.
6. He submits that previously also, the same petitioner had filed a writ petition which was registered as W.P.(C) No. 3194/2017. Such petition was disposed of on 17.04.2017 and while disposing of the above said writ petition, the Court had specifically considered the statement made by learned counsel for DDA. It was stated by learned counsel for DDA, on instructions of the concerned Deputy Director, LA, Residential, that a mini draw would be held within 8 weeks.
7. Fact remains that, such mini draw has not happened, till date.
8. Mr. Dalal, learned counsel for petitioner submits that for the gross disobedience and wilful defiance of the above said order, the petitioner has already filed Cont. Cas (C) No. 654/2017 which is now fixed for 07.04.2025.



9. Be that as it may, since the above said prayers cannot be acceded to in view of the settled legal position, Mr. Dalal, in all fairness, submits that though he does not press the present petition but there has to be some deadline by which DDA should hold mini draw. They cannot prolong the matter till perpetuity. He also submits that, as per the seniority list prepared by DDA, the name of the petitioner is at the top but despite that nothing has been done so far.

10. Learned counsel for DDA submits that the delay has occasioned because of the fact that they do not have surplus plots. The size of available plots is rather bigger and they are in the process of carving out smaller size plots and once such exercise is done, as per the priority, these would be allotted as per the recommendation.

11. He submits that since the exercise is mammoth one, the matter is getting delayed. However, he, on instructions, submits that in any case, the exercise would be conducted and the mini draw would also be conducted within a period of nine months from today.

12. Mr. Dalal, however, submits that DDA is only interested in delaying the matter on one pretext or the other. He reiterates that way back in the year 2017, on the basis of the instruction of the concerned official of DDA, the counsel for DDA had rather apprised that mini draw would take place within eight weeks.

13. Indubitably, the time being sought by DDA is unreasonably high.

14. Learned counsel for petitioner, however, submits that if the respondent is asked to do the needful within a period of six months, he would not press for any further relief. He, however, submits that if nothing happens within the above time, he may be permitted to revive the present writ petition.



15. In view of the above, the present petition is hereby disposed of with direction to complete the exercise of carving out of the plots and to hold a mini draw within a period of six months from today.

16. It is clarified that no further extension of any nature whatsoever, shall be entertained from DDA and, in case, nothing is done by DDA within the above said time given by this Court, the petitioner would be permitted to revive the proceedings and in such a situation, adverse consequence shall follow against DDA.

17. Petition stands disposed of in aforesaid terms.

18. A copy of this order be sent by Registry to Director, Land Disposal for his information and due compliance.

MANOJ JAIN, J

FEBRUARY 27, 2025/sw/ss