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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 18.03.2025***+ **W.P.(C) 4972/2018**
SH. BALDEV RAJ

.....Petitioner

Through: Ms. Ujala Vishnoi, Mr. Randeep Singh, Mr. Om Dutt Kaushik and Ms. Akshita Chopra, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel (Civil) for GNCTD.

Ms. Vrinda Kapoor, Advocate for DDA.

Mr. Gaurav Gupta, SSC with Mr. Shivendra Singh and Mr. Yojit Pareek, JSC for IT Department.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The Registry is directed to remove the duplicate copy of the Counter Affidavit filed by Respondent/DDA.
2. The present Petition seeks to challenge a communication dated 08.09.2017 issued by the office of Respondent No.2/SDM (Punjabi Bagh), wherein a direction has been passed that the representation of the Petitioner cannot be considered for allotment of a flat for Punjab migrants.
3. The case of the Petitioner has a checkered history. Previously, a Petition was filed by the Petitioner being W.P.(C) 5644/2015 captioned ***Baldev Raj v. Govt. of NCT of Delhi & Anr.*** A Coordinate Bench of this Court, by an order dated 28.01.2016 had directed that the Petition filed by the Petitioner be treated as a representation and it be decided by way of a



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reasoned order within eight weeks. The Petitioner was also given the liberty to take action in accordance with law if the representation is rejected.

3.1 It is the case of the Petitioner that although a reasoned order was passed by Respondent No.1, however, the documents which were made available by the Petitioner to Respondent No.1 were not considered, hence rejected. This led to the filing of the present Petition.

4. The Court issued Notice in this matter on 09.05.2018, and thereafter, a Counter Affidavit was filed by the Respondent/GNCTD. The principal contentions taken in the Counter Affidavit by the Respondent/GNCTD were two-fold, one, that the name of the Petitioner does not exist in the 'Relief Lists' which were created for the rehabilitating immigrants from Punjab. Secondly, that the credentials of the Petitioner do not match with the original record available with the office.

5. Learned Counsel for the Petitioner has sought to rely upon the documents annexed along with the Petition, which include records of the Petitioner's surrender slip of the Punjab ration card, list prepared by Deputy Commissioner, Delhi showing the name of the Petitioner and his family at S.No.16; a tent allotment slip issued by the Deputy Commissioner showing an allotment and showing an allotment of tent to the Petitioner at Peeragarhi camp; the election ID card of the Petitioner and several other documents to evidence his contentions. Learned Counsel for the Petitioner submits that these documents are annexed as Annexures P-3 to P-7 of the Petition.

5.1 Reliance is also placed on a copy of a communication dated 06.12.2007 where the office of the SDM, Punjabi Bagh has addressed a communication to the Deputy Commissioner, North-West, to confirm



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whether the Petitioner was part of the list of relief recipients maintained by District North-West for Punjab Migrants. This communication was responded to after a lapse of 6 years and a confirmation of the fact that the Petitioner has drawn a monthly pension from the Respondent/GNCTD was given. It is apposite to extract the relevant part of the communication dated 06.12.2007 which is below:

“During the scrutiny of the documents submitted by the applicant vis a vis records maintained by the office is revealed that the name of the above named applicant do not exists in the relief list maintained by this Sub-Division. However the applicant has informed me that they were in receipt of relief from Alipur Sub-Division which was under the jurisdiction of Dy. Commissioner North West. I am accordingly forwarding their papers to your office with the request that the name of the applicant may kindly be searched out from the list of relief recipients maintained by District North-West for Punjab Migrants. It is only on receipt of a confirmation to this effect from your office as to whether applicant was in receipt of relief or not that the case of the applicant would be forwarded to DDA duly recommended.

It is therefore requested that existence of the name of the applicant in any of the list of the recipients of the relief may kindly be verified and report rendered to this Sub-Division.”

[Emphasis supplied]

5.2 In addition, reliance is also placed on the minutes of meeting dated 05.05.2017 held in the office of Respondent/SDM (Punjabi Bagh) between the officials of Delhi Development Authority, Revenue Department and the SDM, which states that the name of the Petitioner exists on the scroll. The relevant extract of minutes of meeting dated 05.05.2017 is reproduced below:

“...

4. SDM (Rohini/HQ), O/o the D.C. (North West), Kanjhawala, Delhi has sent the recommendation letter in favour of Sh. Baldev Raj S/o Sh.



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Kishan Chand R/o Peera Garhi Camp, New Delhi in the year 2013 vide letter No. F.ISDM/Riots/2011-12/108 dated 01.02.2013, since, the delay is attributed on the part of the department, thus, his case is to be reviewed.

5. The name of Sh. Baldev Raj S/o Sh. Kishan Chand exists in the Scroll at S.No.190.”

6. It is contended by learned Counsel for the Petitioner that despite having all documents available with the SDM and all the records, the Respondent/GNCTD has rejected the allotment of the Petitioner. Thus, it is contended by learned Counsel for the Petitioner that once these documents were scrutinised by the Respondent/GNCTD, the case of the Petitioner could not have been rejected.

7. Learned Counsel for the Respondent/GNCTD reiterates his contentions in the Counter Affidavit. He submits that it is in view of the fact that the name of the Petitioner was not available in the lists and the draw held by the Delhi Development Authority that the representation of the Petitioner was rejected. Reliance is placed on the following extracts of the Counter Affidavit dated 15.02.2021 in support of his contentions:

“... 4. The contents and averments of Para No.4(a) are a matter of record. The contents of Para No.4(b) are a matter of record. However, the name of Sh. Baldev Ran s/o Sh. Kishan Chand does not exist in the list no. 2130 nor in the list no.457 and as such his name was not recommended in the year 2007 for the draw held in the year 2008 by the DDA. He submitted the letter from the office DC (North West) dated 01.02.2013 enclosing the payment drawn of Rs.1000/- for the month of February, 1997. The scheme was closed by allotting 201 flats in the year 2008 in respect of Peeragarhi/Jwalaheri camp under Sub Division (Punjabi Bagh).

xxx

xxx

xxx

8. The contents and averments of Para No. 5(a) & (b) are denied. It is submitted that on scrutiny of the papers/information submitted by Sh. Baldev Raj, it was found by the SDM (Punjabi Bagh) that the



particulars of Sh. Baldev Raj does not match with the original record available in this office i.e. (scroll), thus his case was not considered on merits being comes under suspicious category...”

7.1 Learned Counsel for the Respondent/DDA submits that the Respondent/DDA could only take steps once a recommendation would be received from Respondent/GNCTD and thus, the action was not taken during this period.

8. This Court has examined the documents placed on record by the Petitioner. It is apposite to set out the list of documents that have been placed on record which also form part of Written Submissions on behalf of the Petitioner and are set out below:

*“F. The records available with the Respondents and the documents available with the Petitioner clearly establishes that the Petitioner is a genuine migrant, who lived in peeragarhi refugee Camp and received financial assistance. **The Petitioner relies on the following documents to substantiate his entitlement for the HSRPM Scheme.***

1. Surrender Slip of Punjab Ration Card (Annexure P-3) (page no.31)

2. List prepared by Deputy Commissioner Delhi stating name of Migrants who surrendered their Ration card of Punjab, Showing name of the Petitioner and details of his family at Serial No. XVI (16) Annexure P-3 (Page no.36).

3. Tent allotment Slip issued by Deputy Commissioner relief Branch Showing tent bearing no. C-100 has been allotted to Petitioner in Peeragrhi Camp (Annexure P-4) Page no.42.

4. Election ID card of the Petitioner Showing address of Peeragarhi relief Camp (Annexure P-4) Page no.44.

5. Front and Back Side of the Family Photograph giving details of the Petitioner and his family (Annexure P-5) Page no. 46

6. Ration card issued by GNCT showing address and details of the family of the Petitioner Annexure P-6 (Page no.48)

7. Copy of receipt dated 15/07/94 issued by Office of Deputy Commissioner, showing 1000 Rs received from GNCT as financial assistance. (Annexure P-7) Page no.50.



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8. Copy of List of February 97 prepared and maintained with office of SDM showing name of Punjab migrants who received financial relief of RS. 1000. Name of petitioner is shown at serial no.23 of the said list Annexure P-7.”

[Emphasis Supplied]

8.1 Each of the documents mentioned hereinabove form part of the case file.

9. The record also shows that initially, a query was raised by the SDM (Punjabi Bagh) on 06.12.2007 about the Petitioner being part of the list of relief recipients maintained by District North-West for Punjab Migrants. The communication addressed by the office of the SDM (Punjabi Bagh) states that during scrutiny of documents, the name of the Applicant (Petitioner) did not appear in the list maintained by the office of the SDM, however there is a receipt from the Alipur Sub-Division of the Respondent/GNCTD which has been brought to the notice of the SDM (Punjabi Bagh). The communication thus seeks a confirmation as to whether the Petitioner was in receipt of relief or not.

9.1 This communication was replied to *albeit* after a lapse of almost 6 years by the Respondent (office of the Deputy Commissioner, North-West). The Respondent/GNCTD confirmed that as per the records, monthly pension has been paid to the Petitioner by its letter dated 01.02.2013. The relevant extract of this communication is below:

“ OFFICE OF THE DEPUTY COMMISSIONER (NW)

KANJHAWALA : DELHI- 110081

NO. Fl. SDM/Riots/2011-12/108

Dated:1/2/13

To,



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*SDM(Punjabi Bagh),
Main Rohtak Road,
Nangloi,
New Delhi.*

Sub:- Regarding for issuance of recommendation letter in favour of Sh. Baldev Raj Mehta S/o Sh. Kishan Chand Mehta resident of Peeragarhi Relief Camp.'

Sir,

Please refer your letter No. F5/2005/SDM/(PB)/2879 dated:- 06/12/2007 it is submitted that Sh. Baldev Raj Mehta S/o Late Sh. Kishan Chand R/o P-18, Phase-I, Budh Vihar, Near Ranlila Ground, Delhi- 110086 is a Punjab Migrant.

As per official records available in this office he has drawn Monthly pension of Rs. 1000/- for the month of February- 1997. (Photo copy of the bill enclosed for your ready reference).

Yours Faithfully,

Sd/-

(KRISHAN LAL)

SDM/ROHINI/HQ"

10. Subsequently and as stated above, a similar confirmation of the Petitioner being part of the list of recommendees was also given in the minutes of meeting of 05.05.2017 as is extracted in Paragraph 5.2 above.

11. Given all the documents and clear admissions of the fact that the Petitioner was indeed a migrant under the rehabilitation for Punjab Migrants Scheme launched by the Respondents, the rejection of the representation of the Petitioner by the Respondent/GNCTD was not in accordance with the documents available on record.

12. The Impugned Order is set aside. Accordingly, the Petition is allowed.

13. The Respondent/GNCTD is directed to take appropriate steps in accordance with law within four weeks to prepare a certificate that the Petitioner is a part of the policy of Housing Scheme for Rehabilitation of



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Punjab Migrants (HSRPM) Scheme.

14. Subsequently, the Respondent/DDA shall take steps as expeditiously as possible, given the fact that the Petitioner has been waiting for this allotment for almost 30 years, not later than 4 months from the date the recommendation is communicated by Respondent/GNCTD.

15. The Petition is disposed of in the foregoing terms.

15.1 However, given the fact that the Petitioner has been litigating for more than 10 years to obtain relief, this Court deems it apposite to impose costs on Respondent No.1 payable to the Petitioner.

16. Accordingly, the Respondent/GNCTD shall make payment of costs in the sum of Rs.25,000/- directly to the Petitioner.

17. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MARCH 18, 2025/pa/r

Click here to check corrigendum, if any