



\$~13

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

+ **W.P.(C) 1507/2020**

ANAND SWAROOP GOYAL

.....Petitioner

Through: Mr. R. K. Saini, Adv.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Ashim Vacher, Sr. Adv. with Mr.
Anuj Chaturvedi, Ms. Yashita Jain,
Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **25.02.2026**

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“a) A Writ of Certiorari calling for the records of the case and peruse the same;

b) A Writ of Certiorari quashing the inaction of the Respondent / DDA in not issuing allotment-cum-demand letter in respect of the flat allotted to the Petitioner (LIG flat no. 27, Pocket 8, Block A7, Sector 23-B, Dwarka, New Delhi) on 06.06.2016 i.e. more than 3½ years, being illegal, arbitrary, unjust and malafide and in violation of the Rules and Regulations and the judgment of this Hon'ble Court on the issue and the principles of equity justice and good conscience;

c) A Writ of Mandamus directing the Respondents to issue



allotment cum- demand letter in respect of LIG flat no. 27, Pocket 8, Block A7, Sector 23-B, Dwarka, New Delhi in terms of the order dated 22.11.2012 passed by this Hon'ble Court allowing the writ petition being W.P.(C) No. 7262/2011 filed by the Petitioner

d) A Writ of mandamus commanding the respondent to pay the cost of the petition to the petitioner;...”

2. The factual controversy lies in a very narrow compass and is reproduced herein under.
3. The petitioner was registered with the Delhi Development Authority (“**DDA**”) i.e., respondent, under the New Pattern Registration Scheme, 1979 (“**NPRS 1979**”) for allotment of an LIG flat. At the time of registration, the petitioner gave his residential address and his occupational address. However, after the registration in July 1988, the petitioner shifted his residence and till then no allotment was made to him. However, the petitioner did not inform DDA about change of his address.
4. In the draw held on 08.10.1999, the petitioner was allotted an LIG flat bearing No. 854 (1st Floor), Pocket 2, Sector-14, Dwarka, New Delhi, and an allotment-cum-demand letter issued was sent at petitioner’s residential address, however, as petitioner had shifted his residence, the said allotment-cum-demand letter was returned undelivered to DDA. Thereafter, DDA cancelled the allotment.
5. Later, in October 2010 the petitioner came to know that the registrants of NPRS 1979 have been allotted flats and therefore, visited the office of the DDA to inquire about the status of his allotment, when he came



to know that he was allotted the said LIG flat in the year 1999-2000 and thereafter, it was cancelled on account non-payment.

6. Thereafter, the petitioner made representation to DDA authorities, however, the representation was rejected by the DDA.
7. Being aggrieved, the petitioner was filed a writ petition being W.P.(C.) No. 7262/2011, wherein a Coordinate Bench of this Court after examining the entire controversy was pleased to dispose of the said writ petition *vide* judgment dated 22.11.2012 and held as under:-

“13. Accordingly, present petition is allowed. Rule is made absolute. To balance the equities and on account of delay in approaching this court, the petitioner will be allotted a flat at the cost which prevailed in 2011, preferably in the same area, if available, subject to petitioner completing all the formalities within two months from today.”

8. Thereafter, the respondent/DDA challenged the said judgement by filing an LPA and thereafter, a SLP, which were both dismissed.
9. Subsequently, the DDA issued a letter dated 21.06.2016, which reads as under :-

**“DELHI DEVELOPMENT AUTHORITY
LIG (HOUSING), 2nd FLOOR, D-BLOCK
VIKAS SADAN NEW DELHI 110023**

File No. F55(1025)99/NP/DW

Dated:

To,

Sh. Anand Swarup Goel

R/O, 157/A2, Uttam Nagar



Uttam Nagar, Hasta

New Delhi

Sub: Intimation towards allotment of an alternative flat in Mini Draw.

Sir,

Kindly be informed that LIG Flat No. Sec-23B, Pkt.-8, Block-A7, flat no. 27, 1st floor, Dwarka has been allotted to you in a Mini Draw No. 403 held on 06/06/2016. Demand-cum-Allotment letter will be issued shortly after finalization of costing of the flat from concerned Accounts Wing/DDA.

Asstt. Director(LIG)”

10. Since the allotment letter was not issued, the petitioner filed the present writ petition on 06.02.2020.
11. On 05.03.2021, the respondent/DDA issued an intimation and the same is extracted below:-



DELHI DEVELOPMENT AUTHORITY
LIG(HOUSING) 2ND FLOOR, D-BLOCK
VIKAS SADAN, NEW DELHI-110023

Date: 5-2-21

No. L/55(1025)99/NP/DW/458

To

Sh. Anand Swaroop Goyal,
S/o Sh. Ganpat Rai,
H.No. 157-A/2,
Uttam Nagar, Hastal,
New Delhi-110018.

Sub: Reg. Allotment of LIG Flat No.27, 1st Floor, Blk.-A-7, Pkt.-8, Sec.-23B, Dwarka.

Sir,

You have been allotted LIG Flat No.27, 1st Floor, Blk.-A-7, Pkt.-8, Sec.-23B, Dwarka. The matter has been examined. The Finance/Accounts deptt. has reported informed that the flat No. 27, 1st Floor, Blk.-A-7, Pkt.-8, Sec.-23B, Dwarka which has been allotted to you through Mini Draw No. 403 held on 06.06.2016 falls under the category of new inventory and construction of this flat was completed after 2014, therefore, as per DDA's Policy, this flat cannot be allotted as per the rates of 2011.

Therefore, as per directions of the Competent Authority, you are requested to convey your written consent immediately, whether you are willing to purchase the above allotted flat at the new rates, so that your case could be processed further.

This issues with the approval of Competent Authority.


Dy. Director/LIG(H)/DDA




12. Mr. Vacher, learned senior counsel for the respondent/DDA, states that in the present case, the petitioner was to be allotted a flat in Dwarka as per 2011 rates. His submission is that the DDA is ready and willing to comply with the judgment dated 22.11.2012 passed in W.P.(C.) No. 7262/2011 and allot a flat either at Narela, Loknaya Puram and/or Rohini, because there the flats are available at the rates of 2011.
13. However, the respondent/DDA has no flats at Dwarka at the 2011 rates as the construction in Dwarka was only completed in the year 2014 and hence, the rates available are of the year 2014.
14. Hence, in compliance of paragraph No. 13 of judgment dated 22.11.2012 passed in W.P.(C.) No. 7262/2011 (as reproduced above) the respondent/DDA is willing and ready to offer flat at Narela Loknaya Puram and/or Rohini.
15. The paragraph No. 14 of “PRELIMINARY SUBMISSIONS” and paragraph Nos. 21 and 23 of “REPLY ON MERITS” from the reply on behalf of the respondent/DDA are relevant and read as under:-

“14. That the Petitioner was not willing to accept allotment of the said flat at 2014 rates. It is the submission of the Respondent, DDA that the order dated 22.11.2012 passed by this Hon'ble Court directed the Respondent, DDA to allot a LIG flat at the cost which prevailed in the year 2011 preferably in the same area, i.e., Dwarka, New Delhi if the same is available. It is submitted in this regard that there are LIG Flats available at Narela, Loknaya Puram and Rohini, New Delhi at the cost which prevailed in the year



2011. The Respondent, DDA is willing to allotment such a flat in favour of the Petitioner at any of these three locations in compliance of order dated 22.11.2012.

XXXXXXX

21. In reply to the contents of Para 21 of the Writ Petition it is submitted that another letter was issued on 05.03.2021 thereby clearly bringing into the notice of the Petitioner that flat being LIG Flat No. 27, Sector 23B, Pocket-8, Block A-7, First Floor, Dwarka, New Delhi, could be allotted by the Respondent, DDA at the rates which prevailed in the year 2014 since the construction of said flat was completed after 2014. Hence, it is specifically denied that the Respondent, DDA was not ready and willing to comply with the direction passed by this Hon'ble Court vide order dated 22.11.2012.

XXXXXXX

23. That the contents of Para 23 of the Petition are absolutely wrong and denied. It is specifically denied that the present Writ Petition is maintainable before this Hon'ble Court. As already detailed hereinabove the Respondent, DDA is ready and willing to comply with the order dated 22.11.2012 and is ready and willing to allot flat situated either at Narela, Loknaya Puram or Rohini at the rates which prevailed in the year 2011. Hence it is specifically denied that any of the actions of the Respondent, DDA has violated the legal and fundamental right of the Petitioner of these are violative of Articles 14 and 21 of



Constitution of India as alleged in this paragraph.”

16. I have learned counsels for the parties.
17. I am unable to agree with the contentions of the learned senior counsel for DDA/respondent.
18. The judgment dated 22.11.2012 passed in W.P.(C.) No. 7262/2011 has attained finality. When the judgment dated 22.11.2012 was passed in W.P.(C.) No. 7262/2011, the counsel for the respondent/DDA was present. It was neither argued nor contended before the Court that there are no flats available at Dwarka at 2011 rates. Even after the judgement having attained finality, there is no document on record filed by the respondent showing that the respondent sought modification or variation of the said directions in the judgment. For 4 years, the respondent/DDA did not take any action and the first letter in this regard was issued after 4 years 3 months, i.e., on 21.06.2016. There also the respondent did not say that there were no flats available at 2011 rates.
19. If the contention of the respondent is to be accepted, every order passed by this Court, would be rendered a nullity and would be subject to whims and fancies of the implementing agencies, which cannot be countenanced.
20. Mr. Vacher, learned senior counsel for respondent/DDA, relies on the word ‘preferably’ in paragraph No. 13 of judgment dated 22.11.2012 passed in W.P.(C.) No. 7262/2011 to contend that there is no direction contained in the judgment.
21. The word ‘preferably’ to my mind, is direction and must be so read. The words are to be given its logical meaning and are not to be



expanded to absurd levels to cater to non-compliance of the directions of the Court.

22. For the said reasons, the respondent will allot the flat at 2011 rates and if so required, will scale down the prices of 2014 to 2011 to comply with the judgment dated 22.11.2012 was passed in W.P.(C.) No. 7262/2011.
23. The rates will be communicated within 4 weeks from today and the petitioner shall make the payments within 2 weeks thereafter and the possession of the flat along with conveyance deed will be executed within 2 weeks thereafter.
24. With these directions, the present petition is allowed and disposed of.

JASMEET SINGH, J

FEBRUARY 25, 2026/sp