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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12221/2024

SAROJANI TIWARI

.....Petitioner

Through: Mr. Sagar Dawar, Adv.

versus

DDA

.....Respondent

Through: Mr. Amit Singh Chauhan, ASC with
Mr. Arindam Bharadwaj and Ms. Vanshika
Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

16.03.2026

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

“Issue a writ of mandamus or any other appropriate writ, order or direction to the respondent to withdraw the letter bearing number F1(J)25596/LSB(ROHINI)/DDA/2991 dated 07/11/2022 (cancellation of flat) and also allot/handover the physical possession of the flat bearing number 5, Pocket- C-1, Area 26 SQ. MTR, Sector-38, Rohini, Delhi-85 to the petitioner.”

2. The brief facts of the case are that the husband of the petitioner, namely, Mr. Shiv Gopal Tiwari, applied for a flat under the EWS Janta Flat vide application bearing No. 25596 and priority number 5083 and deposited pre-requisite charges for the said purpose.
3. On 30.05.2007, the husband of the petitioner expired and subsequently, the petitioner submitted requisite documents along with death certificate of Mr. Shiv Gopal Tiwari to the respondent/DDA and



the same was duly mutated in the name of the petitioner.

4. On 07.06.2012, a show cause notice was issued by the respondent/DDA to the petitioner, which reads as under:-

**DELHI DEVELOPMENT AUTHORITY
LAND SALES BRANCH (ROHINI)
C-3, 1st FLOOR, VIKAS SADAN, NEW DELHI-110023.**

No. P1/EWS /25596

Dated : 07-JUN-12

From: Deputy Director
Land Sales Branch (Rohini)

To,
Sh/Smt. SHIV GOPAL TIVARI
16-C, JANTA FLATE RAM PURA , NEW DELHI-35

SUB: SHOW CAUSE NOTICE

Sir/Madam,

WHEREAS you have got yourself registered vide your application no.25596 & Priority No 5083 under Rohini Residential Scheme-1981 for the allotment of a plot Under EWS Category.

AND WHEREAS during scrutiny of your application, it has been noticed that you were also a registrant under the New Pattern Registration Scheme-1979 for the allotment of a flat.

AND WHEREAS a Show Cause Notice was earlier issued to you calling you to clarify the status of registration under New Pattern Registration Scheme-1979 so that your eligibility for the allotment of a plot under Rohini Residential Scheme-1981 is finalized/ascertained.

AND WHEREAS neither you have submitted any clarification nor attended the office of the undersigned within the given time in the matter. In the circumstances, it has been decided not to include your name in the upcoming draw of lots.

NOW THEREFORE, I, the undersigned hereby once again call upon you to clarify whether any allotment of a flat under New Pattern Registration Scheme-1979 has been made to you or not within 15 days from the date of issue of this letter. In case you fail to clarify the same within the stipulated period, it will be presumed that you have nothing to say and you have got the allotment of a flat under NPRS-1979 and your registration under Rohini Registration Scheme 1981 will be treated as ceased and no claim for allotment under this scheme will be entertained thereafter.

However, in case you have not been allotted a flat under any of the scheme of DDA, your name will be considered in the subsequent draw.

Yours faithfully

(Tapan Jha)
Dy. Director (Rohini)

Copy Forwarded to DD(Housing)/Janta/LIG/MIG with the request to submit a report on the status of the Housing Registration latest by 22/06/2012



5. The petitioner duly replied to the show cause notice and the respondent/DDA, after duly considering the reply to the show cause notice, issued a letter dated 31.08.2016 bearing No. F1(J)25596/LSB(RO)/DDA/491, whereby the petitioner was informed that the draw under the Rohini Residential Scheme, 1981, will be held on 16.09.2016. The letter dated 31.08.2016, reads as under:-

DELHI DEVELOPMENT AUTHORITY
LAND SALES BRANCH(ROHINI)

Room No.111, 1st floor, C-3 Block
Vikas Sadan, New Delhi-110023.

No. F1(J)25596/LSB(RO)/DDA/491

Dated: 31/8/16

To

Smt. Sarojini Tiwari,
W/o Late Shri Shiv Gopal Tiwari,
R/o 16-C, Janta Flat, Ram Pura,
Delhi -110035

Sub: Intimation regarding holding of computerized draw on 16-09-2016 at 11.00A.M.
under Rohini Residential Scheme-1981

Sir/Madam,

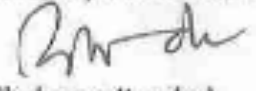
You are hereby informed that a computerized draw under Rohini Residential Scheme-1981 will be held on 16-09-2016 at 11.00AM in the office of Director(RL)/DDA, A-Block, Second Floor, Vikas Sadan, INA, New Delhi in presence of two independent judges.

Your particular of the draw are as under:-

Name : Smt. Sarojini Tiwari

Size of plot : 26.00 Sq. Mtrs.

You are kindly also attend the proceedings of the said draw, if you so desire.


(Shabnam Kundra)
Dy. Director/LSB(Rohini)/DDA



6. On 28.10.2016, the draw of lots was held and the petitioner was allotted plot/Unit No. 5, Pocket –C1 area measuring 26 sq. mtrs. Sector 38, Rohini, Delhi.
7. On 31.01.2018, the respondent demanded documents for verification of genuineness, which were duly supplied by the petitioner.
8. Pursuant thereto on 07.11.2022, the respondent issued letter bearing No. F1(J)25596/LSB(Rohini)/DDA/2991 cancelling the allotment of the flat under Rohini Residential Scheme, 1981. Hence, the present petition. The relevant paragraphs of the letter read as under:-

“Whereas, as per clause No.4 of terms and conditions of RRS-1981, Persons who are registered with the DDA under any of its Housing Registration Schemes or New Pattern Scheme 1979 are allowed to get their registration transferred to “Rohini”. They will form a separate block of registration and priority in the matter of allotment will be given to them. On transfer, applicant shall have no right to an allotment under earlier Housing Scheme.

Whereas, you have violated the terms and conditions of Rohini Residential Scheme and have not got your registration under New Pattern Scheme, 1979 transferred to Rohini Residential Scheme-1981”

9. Mr. Chauhan, learned counsel for the respondent/DDA states that the cancellation is in accordance with law and in accordance with Clause No. 4 of the Rohini Residential Scheme, 1981, which reads as under:-



4. TRANSFER FROM OTHER HOUSING SCHEMES:

Persons who are registered with the DDA under any of its Housing Registration Schemes or New Pattern Scheme 1979 are allowed to get their registration transferred to 'ROHINI'. They will form a separate block of registration and priority in the matter of allotment will be given to them. Those who desire to get their registration transferred from any of the earlier DDA Housing Schemes to Rohini Scheme will pay along with their application the difference between the amount already deposited and the earnest money payable for the Rohini Scheme. While submitting the application, they will be required to surrender the fixed deposit earlier receipt duly discharged and the copy of the challan form in respect of their deposit in that Housing Scheme. Interest on their fixed deposit in the Housing Scheme would be transferred to their new account and adjusted at the time of the final allotment of the plot. They will get interest at the rate of 7% per annum on the amount of interest as calculated upto 31.3.1981. On transfer, the applicant shall have no right to any allotment under the earlier Housing Scheme.

10. He states that as per the Rohini Residential Scheme, 1981, the petitioner was required to transfer his application from any other earlier scheme (in the present case, being NPRS Scheme, 1979) to the Rohini Residential Scheme, 1981, and thereafter the allotment could have been made to the petitioner on priority basis on payment of the requisite charges and the differences. He also states that the Clause No. 4 is mandatory and non-compliance of the same would necessarily lead to cancellation which, according to the respondent, was correctly done.
11. A perusal of the clear terms of Clause No. 4 shows that the Clause



No. 4 is optional in nature and not a mandatory provision. The same is evident from usage of the words “allowed”/“desire” therein.

12. A perusal of the aforesaid words show that it is only for entitlement under priority basis that the petitioner was required to get their registration transferred to from any earlier scheme to the Rohini Residential Scheme and not for any other reason. The petitioner did not avail any allotment on priority basis which is evident from the show cause notice dated 07.06.2012, wherein the respondent, after dealing with the entire factual matrix, categorically stated that the name of the petitioner would be considered in a “subsequent draw”. Hence, the petitioner’s name was considered only in a subsequent draw and not on any priority basis.
13. Additionally, the scheme of the respondent is of the year 1981 and the respondent is presumed to be aware of the same, since 1981. All the correspondences and more particularly show cause notice dated 07.06.2012, and cancellation of the allotment letter dated 07.11.2022 are made post 1981 and despite being aware of the said clause, the respondent continued to make allotment to the petitioner.
14. This action on part of the respondent clearly shows that Clause No. 4 of the scheme is not mandatory and not applicable on the case of the petitioner.
15. The same was not even mentioned in the Show Cause Notice and has only been used for the first time in the cancellation order dated 07.11.2022.
16. In this view of the matter, the same, is an afterthought and cannot be sustained.



17. Accordingly, the petitioner shall make payment to the respondent/DDA in terms of the allotment letter.
18. The allotment of the plot shall be made equivalent to the one made on 28.10.2016. The same shall be done within 2 weeks.
19. The petitioner shall pay the rate as applicable on the date of filing of the present petition, in terms of the judgment delivered by the Hon'ble Division Bench in the case of ***D.D.A. v. Mahinder Pal Sikri, LPA No. 743/2013***, which was also relied by this Court in the case of ***Vijay Kumar Bahl v. Delhi Development Authority, W.P.(C) 6833/2013***.
20. The completion of formalities including handing over of possession shall be completed within 4 weeks thereafter.
21. The petition is disposed of in the aforesaid terms, along with pending applications, if any.

JASMEET SINGH, J

MARCH 16, 2026 / (MS)