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

+ **W.P.(C) 2973/2011**

RAM LAL ARYA

.....Petitioner

Through: Ms. Farheen Fatima & Mohd. Asif,
Advts.

versus

DDA

.....Respondent

Through: Mr. M. K. Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

04.02.2026

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

“a. Writ/ direction/ order in the nature of mandamus or in any other nature directing, commanding the respondents to return back the amount of Rs. 8,96,435.98/- along with the interest @ 12% p.a. from the date when such amount was deposited with the respondents till its realization as has been wrongly deposited by the petitioner with the respondent under the misconception that he has been allotted a flat with the respondents;

b. allow the cost of the Writ Petition with cost and ;

c. pass any other and further orders as this Hon'ble court may deem fit and proper in the circumstances of the case.



2. The brief facts of the case are that the petitioner applied for the allotment of a residential flat in DDA Housing Scheme under LIG Category with the respondent No. 1. The petitioner after getting to know that a residential flat has been allotted to him, informed the respondents *vide* letter dated 25.10.2007 that he has come to know that a residential flat at LIG Flats has been allotted to him but the demand-cum-allotment letter was not received by him as he has shifted his residence from Panchkula to Chandigarh.
3. *Vide* letter dated 13.11.2007, the respondent asked the petitioner to deposit the attested copy of the residential proof which was subsequently submitted by the petitioner through the letter dated 27.12.2007. Thereafter, on 22.02.2008, the petitioner deposited the consideration amount of Rs. 8,96,435.98/-.
4. In June, 2008, the petitioner upon getting to know the details of allottee through the internet, informed the respondent that the allotment was made in favour of one Ram Lal Arya S/o Lal Chand and not to the petitioner whose father name is Babu Ram. Accordingly, the petitioner in August, 2008 wrote to the respondent to return the amount of Rs. 8,96,435/- along with the interest which the respondent did not. Hence, the present petition.
5. Mr. Singh, learned counsel for the respondent, draws my attention to the counter affidavit and states that in the present case the petitioner has approached the Court with unclean hand and has tried to defraud the respondents. He states that the petitioner never applied for allotment of a flat and on getting to know that a flat has been allotted to a person with similar name sought to fraudulently take the said flat by making



the payment. Once the petitioner realised his fraud, he withdrew his application and sought refund. The respondent had already made a complaint, in this regard, to the police.

6. I am of the opinion, that in the present case, no doubt the conduct of the petitioner is unfair and illegal, the respondent cannot be permitted to withhold the amount paid by the petitioner.
7. The observation of the Coordinate Bench of this Court in **W.P. (C) 10988/2017** titled **Kulwant Singh v. DDA** is relevant in this regard and reads as under:-

“18. This Court is convinced that, howsoever contemptible the petitioner's attitude, or actions, may otherwise have been, they cannot disentitle him to his right to be returned his money. Else, it would lead to a situation of complete anarchy, in which public authorities could forfeit moneys of citizens, on the ground that the citizens had committed fraud, as they perceive it, even without any statutory or other sanction supporting such forfeiture. Such a situation is not tolerable in any civilized society, governed by the rule of law. It completely emasculates Article 300-A of the Constitution of India, by permitting forfeiture of the property of a citizen sans authority of law.

19. While this Court cannot, therefore, approve of the manner in which the petitioner has acted, and entirely agrees with the submission of learned counsel for the respondent that the petitioner tried to unfairly capitalize on the mistake of the DDA, that cannot, in law, entitle the DDA



*to retain the amount of Rs. 5,22,300/- paid by the petitioner.
The petitioner is, therefore, entitled, in law, to restitution for
the illegal deprivation of the said amount, along with the
interest earned thereon.”*

8. The respondents have already initiated criminal proceeding against the petitioner and the same will be taken to its logical conclusion by the respondent. The respondent cannot, however, be an adjudicating authority and forfeit monies of citizens on the ground that citizens have committed a fraud.
9. Ms. Fatima, learned counsel for the petitioner, on instructions, states that the petitioner is not claiming any interest on the deposited amount and is satisfied if the amount deposited by the petitioner i.e. 8,96,435.98/- is returned.
10. For the said reasons, the petition is allowed and the respondent shall return the amount of Rs. 8,96,435.98/- to the respondent expeditiously within eight weeks from today without any interest. The petitioner voluntarily undertakes to deposit Rs. 25,000/- with Delhi High Court Bar Association after four weeks of receipt of the money and file proof of payment on court record.
11. In case the proof of payment is not filed, the file be put up before the Court.
12. The petition is disposed in aforesaid terms.

JASMEET SINGH, J

FEBRUARY 4, 2026/NG