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

+ **CONT.CAS(C) 88/2025**

RAVINDER KUMAR JAIN

.....Petitioner

Through: Mrs. Vikas Jain, Advocate with
petitioner in person

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Ms. Manika Tripathy, Standing
Counsel for DDA with Ms. Malvika
Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

13.05.2025

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1. Pursuant to the previous order, *Ms. Manika Tripathy*, Standing Counsel for the Delhi Development Authority (**'DDA'**), has handed over the Allotment-cum-Demand Letter dated 1st May 2025, wherein the DDA has, in terms of draw held on 28th October 2016, allotted *Plot No 49, Pocket No.D-2, Sector 29, in the Rohini Residential Scheme* to the petitioner. Counsel for DDA states that it is in compliance of orders of this Court.
2. Counsel for the petitioner states that the premium of the plot has been fixed at *Rs.35,419/-* which is current rate, whereas the Court had directed the rate prevailing in 2016 be taken as the benchmark.
3. In this regard, relevant directions passed by the Court in **W.P.(C) 11037/2022** are extracted as under:



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23. In view of the above, the present petition is allowed.

Accordingly, the following reliefs are granted to the petitioner;

- (i) A writ of mandamus is issued to the respondents to issue an allotment letter to the petitioner pursuant to draw of lots of allotment of MIG plot bearing no.D-2/49, Sector 29 against the Registration No.234252, Priority No.14953 under MIG category in RRS, 1981 conducted on 28.10.2016, within two months from today;
- (ii) AND simultaneously a direction is issued to the respondents/DDA to hand over the physical possession of the MIG plot bearing no. D-2/49, Sector 29 against the Registration No.234252, Priority No.14953 in terms of the aforesaid details to the petitioner within two months from today;
- (iii) In the alternative, in case the aforesaid plot has been allotted to any third person in the interregnum, the respondents/DDA shall allot a plot of equivalent size in the same sector i.e. Sector 29, to the petitioner at the rates of land prevailing at the time of computerized draw of lots i.e. 28.10.2016 within two months from today; AND
- (iv) The respondents/DDA are directed to pay a cost of ₹1 lakh to the petitioner for suffering the agony of a long period of harassment and trial, within a month from today, failing which the respondents/DDA shall be liable to pay the said amount with interest at the rate of 6% per annum, from the date of this order till realisation.

4. Ms. Tripathy, states that order as per *paragraph 23(i)* has been complied with, and the allotment letter for the same plot has been issued, whereas directions for the prevailing rate of 2016 was in *paragraph 23 (iii)*, which was a direction in the alternative, if the plot had been allotted to any third person in the interregnum, respondents/DDA were to allot a plot of equivalent size.

5. Counsel for petitioner however states that the intent of the order as contained in *paragraph 23 (i)* and *paragraph 23 (iii)* was the same, and the petitioner has been deprived of the allotment since 1981 till date and is being made to pay premium at current rate for the said plot, which is a *mala fide*



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interpretation by the DDA. This has been refuted by *Ms. Tripathy*.

6. Counsel for petitioner has certain other issues relating to the demand letter dated 23rd October 2024. Petitioner is at liberty to get clarification from the Writ Court in this regard.

7. Though the Court is *prima facie* convinced by the argument of petitioner's counsel that prevailing rate of 2016 ought to apply to this delayed allotment, not been given by DDA, in light of orders of this Court, and considering the petitioner has agitated this matter for the last many years, it would be apposite if counsel for petitioner seeks a clarification in this regard as to whether the direction for prevailing rate as of 2016 would also apply to directions in *paragraph 23 (i)*.

8. Aside from this, cost of *Rs.1 lakh* must be paid by DDA to the petitioner along with 6% interest, as per directions under *paragraph 23 (iii)*.

9. *Ms. Tripathy*, Counsel for the DDA, states that she will take instructions in this regard. However, considering that petitioner is a senior citizen and cannot be left high and dry in this matter, DDA shall pay the cost along with interest within a period of 4 weeks from today.

10. List for '*compliance*' on 17th July 2025 as also awaiting clarification from the Writ Court.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 13, 2025/sm/tk