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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 644/2020 & CM APPL. 1825/2020**
SHRI UDAY VIR

.....Petitioner

Through: Mr. Kailesh Sharma and Ms. Nishi
Jain, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR.

.....Respondent

Through: Ms. Manika Tripathy, Standing
Counsel with Mr. Ashutosh Kaushik,
Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
20.02.2025

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1. The petitioner had been allotted a plot at *Wazipur*, Phase-IV in lieu of his *jhuggi* situated at *Sawan Park*.
2. Allotment letter was issued to him on 21.10.1988.
3. The petitioner is aggrieved as he received one communication dated 20.01.2005 from the respondent whereby he was informed that the case of his said allotment of alternate plot was examined by the concerned committee and he was not found eligible. He was, accordingly, asked to submit his bank details so that the refund could be processed.
4. According to respondent/DDA, the allotment was cancelled on account of *misrepresentation/concealment* of facts. It is submitted that the petitioner never informed that that his father had also been allotted an alternate plot with respect to the same scheme.



5. It is mentioned in the counter affidavit that Mr. Kanchi Lal (father of the petitioner herein) was also successful in the draw of lots and the physical possession of alternative plot was handed over to him on 21.12.1996.

6. According to DDA, the ration card submitted by said Mr. Kanchi Lal also reflected that the petitioner herein was not resident of *Sawan Park weavers Colony* in his own independent right but was merely a member of family of his father Mr. Kanchi Lal and, therefore, he was not entitled to an alternate plot.

7. Such argument has been countered by learned counsel for the petitioner. He contends that there is no such policy that any such weaver, whose father has also been allotted a separate plot, is not entitled to any separate plot.

8. On the contrary, he submits that there are several such instances where several members of the same family have been allotted plots and details thereof have been mentioned by him in the petition. In fact, in relation to one particular case, six brothers of the same family have been allotted separate plots.

9. He also submits that the issue in this regard has already attained finality. He refers to one judgment of learned Division Bench of this Court i.e. *DDA vs. Puran Lal* LPA No.504/2025 (date of decision 22.04.2013) wherein in a similar matter, the learned Single Judge had allowed the writ petition and such order was subsequently upheld by learned Division Bench while observing as under:-

“6. This Court has considered the submissions urged by the DDA in its grounds of appeal. Neither the counter affidavit filed in the writ proceedings nor in the grounds of appeal had the DDA dispute the fact that spot verification took place on more than one occasion and not merely at the time the scheme was conceived in the year 1984-85. The



averments made in the writ petition elaborately deals with the various sequence of events which warranted the allotment of the writ petitioner. Earlier, the procedure adopted was disapproved and the allotments were cancelled. Thereafter, a fresh verification process was undertaken sometime in mid 1990s during which too the petitioner's separate residence was duly verified. This was the basis for the inclusion of his name in the list of approved jhuggi dwellers who were offered allotment of alternative plots. All this is evident from the pleadings of the parties; in the writ petition as well as the grounds urged in support of the DDA's appeal. Having considered this, the Court is satisfied with the reasoning of learned Single Judge about the untenability of the DDA's action for cancellation of the petitioner's allotment merely because his name as well as that of his father figured in a common ration card was not warranted. This Court is satisfied that the said reasoning is sound and unexceptional. The appeal is meritless and, therefore, dismissed."

10. It is submitted that DDA had even filed *Special Leave Petition* (SLP) challenging the above said order but even such SLP was dismissed by Hon'ble Supreme Court on 03.05.2019.
11. Learned counsel for respondent/DDA seeks some time to establish as to how it can be said to be a case of *misrepresentation/concealment*.
12. DDA would also explain as to how despite there being such policy, several members of the same family were given alternative plots.
13. Learned counsel for respondent shall also apprise about the availability of any alternate plot. This be apprised without prejudice to rights and contentions of the parties.
14. List on 29.04.2025 for further arguments.
15. Be shown in top 5 matters of Advance List.

MANOJ JAIN, J

FEBRUARY 20, 2025/ss