



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

Date of decision: 29<sup>th</sup> JULY, 2022

IN THE MATTER OF:

+ **LPA 418/2022 & CM APPLs. 30820/2022, 30821/2022, 30822/2022**

**DELHI DEVELOPMENT AUTHORITY**

..... Appellants

Through: Ms. Manika Tripathy, Standing  
Counsel for DDA with Mr. Shashi  
Pratap Singh, Advocate

versus

**SHAIL SHUKLA**

..... Respondent

Through:

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**JUDGMENT**

**SUBRAMONIUM PRASAD, J.**

1. The present appeal is directed against the Order dated 25.04.2022 passed by this Court in W.P.(C) No. 8519/2011, titled as Shail Shukla v. DDA, whereby the writ petition filed by the Respondent herein was allowed and the Appellant herein has been directed to hand-over the plot bearing No.169 Pkt. 12, Sector-2, Rohini, Delhi, admeasuring 60 Sq. Mtrs (*hereinafter referred to as 'the plot in question'*) to the Respondent.

2. The facts, in brief, leading to the instant appeal are as under:

- a) It is stated that the Appellant announced a scheme for allotment of developed plots in Rohini, Delhi, under the Rohini Residential



Scheme, 1981. It is stated that on 27.03.1991, i.e. after about ten years from the date of announcement of the Scheme, the Respondent herein was allotted the plot in question. It is stated that a total cost of Rs.59,805/- was sought from the Respondent herein and, after adjusting for the amount deposited by the Respondent for registration and interest accrued thereupon, the Respondent paid Rs.51,310/- in three equal instalments. It is stated that an acknowledgment letter was issued to the Respondent.

- b) It is stated that on 08.11.1991, a Demand-cum-Allotment letter was issued to the Respondent by the Appellant herein. It is stated that despite repeated attempts to get the possession of the plot in question, possession of the plot was not handed over to the Respondent by the DDA. It is stated that on 08.12.2005, out of frustration, the Respondent herein sought for the refund of the payments made by her in relation to the plot in question. *Vide* a communication dated 24.08.2006, the Respondent was asked to meet the Assistant Director, LSB, Rohini. It is further stated that *vide* a letter dated 13.12.2006, DDA sought certain letters from the Respondent.
- c) Material on record shows that *vide* letter dated 18.07.2008, the Respondent herein submitted all the documents that were sought by the DDA *vide* letter dated 13.12.2006. It is stated that *vide* letter dated 29.05.2009, DDA sought the original Demand-cum-Allotment letter dated 08.11.1991, original FDR duly discharged by affixing revenue stamp, and residence proof duly attested by a Gazetted Officer. It is stated that *vide* letter



dated 09.06.2009 the Respondent submitted all documents which were sought by the DDA *vide* its letter dated 29.05.2009. Both the letters sent by the Respondent herein form a part of the impugned Order and a perusal of the same would show that whatever document were being sought by the DDA, the Respondent herein had already supplied those to the DDA. As rightly pointed out by the learned Single Judge of this Court, as original duly discharged FDR had already been handed over to the DDA, there could be no question of it being supplied to the DDA once again.

- d) Despite a lapse of six years, the Appellant neither handed-over the possession of the plot of the land nor did it refund the money of the Respondent. It is stated that *vide* letter dated 29.08.2021, the Respondent herein withdrew her application for refund of monies and asked for the possession of the allotted land. The request of the Respondent herein was rejected by the DDA.
- e) Thereafter, the Respondent herein approached this Court by filing W.P.(C) 8519/2011. *Vide* Order dated 08.06.2012, this Court had directed that one plot shall be kept reserved to be allotted to the Respondent herein. Order dated 08.06.2012 was confirmed on 27.08.2012. In the written submission filed by the DDA, it was recorded that as per the Order dated 08.06.2012, Plot No.23, Sector-1, Pocket-B, measuring 60 sq. Mtrs. was kept reserved for the Respondent during the pendency of the said writ petition.
- f) *Vide* Order impugned herein, the learned Single Judge of this Court found that the DDA had not allotted the plot to the



Respondent herein for 15 long years. The learned Single Judge observed that in exasperation the Respondent herein had even filed an application for refund of money and the money was also not refunded by the DDA. The learned Single Judge, therefore, directed the DDA to hand-over Plot No.23, Sector-1, Pocket-B, measuring 60 sq. Mtrs. to the Respondent herein within four weeks of receiving the copy of the Order dated 25.04.2022.

g) It is this Order which has been challenged by the DDA in the instant appeal.

3. Ms. Manika Tripathy, learned Standing Counsel for DDA, submits that the DDA had issued notice to the Appellant stating that the Respondent herein had applied for a plot under the HUDCO Scheme of the DDA and wanted to find out as to whether a plot was allotted to her under the said scheme. She also stated that the Respondent was asked to submit the proof of cancellation of HUDCO registration so that a plot could be allotted to her

4. Heard Ms. Manika Tripathy, learned Standing Counsel for DDA, and perused the material on record.

5. There is nothing on record to show that any notice was given to the Respondent herein regarding allotment of a plot under the HUDCO Scheme. Annexure P-2 enclosed with the instant appeal is a letter addressed to the UDC signed by the Assistant Director, LSB (Rohini), directing the UDC to meet Assistant Director within 15 days from the issuance of the letter. A hand written note dated 05.08.1998 also forms part of the said letter. Annexure P-2 is reproduced as under:



संख्या :  
No.  
सेवा :  
From  
सेवा से,  
To

F.20(802)91/Pt./LSB(Rohini) | 457  
Joint Director  
L.S.B. (Rohini)

दिनांक  
Date

21-7-98

(36)

ANNEXURE P-2

Sh. Lekh Raj U.D.C.  
Civil Circle-3,  
Auction Hall, Near  
Vikas Minar, I.T.O.  
D.D.A., New Delhi.

Sub: R.f: File No. 20(802)91/LSB(Rohini)

Please refer to this office letter No. F.20(802)91/Pt. LSB(Rohini)1031 dated 31.10.97 on the subject cited above. In this connection, you are hereby requested to see the undersigned within 15 days from the date of issue of this letter as the file is needed for vigilance action.

A sstt. Dir., LSB(Rohini)

- ① यह पत्र श्री हार्विन्द्र सिंह H/C द्वारा प्राप्त हुआ ।  
② पत्र सं. F. 20(802)91/Pt. LSB(Rohini) 1031 दिनांक 31.10.97 मुद्रित -  
- प्राप्त नहीं हुआ ।  
अतिरिक्त दिनांक सं. F. 20(802)91. LSB(Rohini) दिनांक 9/9/94 -  
दिनांक 18.11.94 - पत्र दिनांक 02/3/95 को प्रत्यक्ष श्री H/C द्वारा प्राप्त हुआ ।  
- दिनांक 02.3.95 को प्रत्यक्ष से श्री H/C द्वारा प्राप्त हुआ । अनुसंधान/अवगति को  
- final notice दिनांक 02.3.95 को प्राप्त हुआ । अवगति के अनुसार -  
- एवं मुद्रित/प्रमाणित सभी माला प्राप्त हुए हैं - अवगति -  
सम्भवतः अवगति को अवगति दिनांक से प्रमाणित अवगति का उद्देश्य  
दिनांक 02/3/95 के पत्र यह दिनांक अवगति मुद्रित नहीं मिली ।

संलग्न-2

सहायक निदेशक (अ.स.स.) दि. 02.3.95

*(Signature)*

05/8/98

05/8/98

6. The hand written note indicates that the letter was received by one Harvindra Singh H/C and not by the Assistant Director. It further indicates



that as per the memory of the person, the allottee was given a final notice regarding difference in signatures of the allottee in HUDCO registration and, therefore, cancellation was demanded because the allottee was probably allotted a flat in the Housing Department. The learned Single Judge has categorically noted that the DDA has lost its file. The abovementioned letter and the note does not give any indication as to whether any notice was received by the Respondent.

7. Facts of the case remain that the Respondent registered herself for allotment of a plot in the year 1991. Out of sheer exasperation, the Respondent asked for refund of money. All the documents, as sought by the DDA, were provided by the Respondent. Despite that on 29.05.2009, DDA sought original Demand-cum-Allotment letter dated 08.11.1991, original FDR duly discharged by affixing revenue stamp, and residence proof duly attested by a Gazetted Officer. As rightly noted by the learned Single Judge there can be no two originals and since the original has already been submitted by the Respondent, she cannot re-submit the same to the DDA.

8. The lackadaisical and abhorrently unprofessional approach of the DDA is beyond reproach and is unpardonable. The facts of the instant case only demonstrate the harassment of a poor lady at the hands of DDA for the reasons best known to the officers concerned. The learned Single Judge was justified in directing the DDA to hand-over Plot No.23, Sector-1, Pocket-B, measuring 60 sq. Mtrs. to the Respondent herein within four weeks of receiving the copy of the Order dated 25.04.2022.

9. In view of the harassment caused to the Respondent by the DDA for over 30 years and for wasting precious judicial time by filing the instant frivolous appeal, this Court is inclined to impose costs of Rs.50,000/- on the DDA.



NEUTRAL CITATION NO: 2022/DHC/002855

10. The appeal is, accordingly, dismissed, along with the pending application(s), if any.

**SATISH CHANDRA SHARMA, C.J.**

**SUBRAMONIUM PRASAD, J**

**JULY 29, 2022**

*Rahul*

