Summary

* That it is pertinent to mention here that for the smooth implementation of the aforesaid Scheme for allotment of alternative plots, which in fact is a Welfare Scheme, the Land Acquisition in Delhi for Planned Development was carried out in terms of the Policy of Ministry of Home Affairs dated 2nd
* That it is also pertinent to mention here that in the year 1993, it was decided by the respondent to divide the capital of State in three zones for the purpose of allotment of alternative plots in the manner as under:-
* That since the implementation of the said Scheme, allotment of alternative plots are made by draw of lots as per the entitlement of the size of plots and in the Zone in which the land was situated i.e. if the land which was acquired was situated in South Zone allotment of plot has to be made in Dwarka and if the land of the recommendees was situated in East, North-West and Rohini Zone then the plot is to be allotted in Rohini Zone whereas the plots are to be allotted to the recommendees of Narela Residential Scheme.
* That since the petitioner’s land was situated in Village Bharthal, therefore, on the basis of the recommendation dated 09.09.2014 made by Land & Building Department the petitioner is entitled to allotment of plot of the size of 250 sq.
* That since last more than 15 years the petitioner has been waiting for allotment of alternative plot in Dwarka, for which recommendation has already been made vide Recommendation Letter dated 09.09.2014, the petitioner was surprised to receive a letter dated 23.4.2018 from the office of respondent where it is stated that the computrised draw for allotment of alternative plots of 250 sq. yards in Narela Residential Scheme at11.00 A.M on 27.04.2018 at “Nagrik Suvidha Kendra” Vikas Sadan, DDA Office, New Delhi-110023.
* That the petitioner could not understand the reason for sending the said letter by respondent DDA to him for inviting him in the Draw which was scheduled to be held on 27.04.2018 for allotment of alternative plots of 250 sq.
* The petitioner made enquiry in the matter and he was informed that a Public Notice dated 24th April 2018 was published in Hindi Daily Newspaper and was posted on the Web Site of DDA in order to inform the public about the draw of alternative plots scheduled to be held on 27.4.2018 at 11 AM in the Office of Respondent at Vikas Sadan, New Delhi.
* No.64 in the list of recommendees finalized by Respondent for the draw of lots for allotment of alternative plot in Narela Residential Scheme on the said date and time as mentioned above.
* The copy of the aforesaid list of recommendees for being considered for allotment of plot in Narela Residential Scheme in draw to be held on 27.4.2018 is available on Website of DDA.
* The petitioner has also got no information about the result of the draw, but if any allotment has been made in the name of the petitioner in the said draw on 27.04.2018, for allotting alternative plot in Narela Residential Scheme, the same is illegal and nonest being contrary to the policy of respondent itself, as mentioned above.
* That it is further respectfully submitted that neither in the Public Notice nor on the Website of DDA, the respondent has assigned any reason for taking such illegal and arbitrary decision for including cases / names of the recommendees of South Zone also for allotment of alternative plots in Narela Residential Scheme.
* That there is no justification for the respondent in allotting plot to the petitioner in Narela Residential Scheme in as much as there are 105 plots of the size of 250 sq.
* Rules, 1981 (hereinafter referred to as “DDA Rules”), which provides for allotment of a plot at a predetermined rate to the person, whose land has been acquired.
* PROVIDED that if an individual is to be allotted a residential plot, the size of such plot may be determined by the Administrator after taking into consideration the area and the value of the land acquired from him and the location and the value of the plot to be allotted’
* yards to the petitioner as per the recommendations made by the Land & Building Department as referred to above in Dwarka only and without any further delay.
* The allotment of plot, if any, arbitrarily and unilaterally made in favour of the petitioner in Narela Residential Scheme in the drawn held on 27.04.2018 is liable to be quashed and the seniority of the petitioner for allotment of alternative plot in Dwarka Zone is required to be maintained at the same number.
* The land of the petitioner were in Village Bharthal which falls in South Zone (Dwarka) and the petitioner is entitled for alternative plot in Dwarka as per the policy.
* That in view of the express commitment of the respondent to allot an alternative plot in the same zone, as the zone in which the lands were acquired, the petitioner has a legitimate expectation and enforceable right for allotment of plot in Dwarka.
* A large number of identical Writ Petitions have been filed and are pending before this Hon’ble Court and in many of the matters this Hon’be Court has passed an Interim Order to the effect that allotment of plot in favour of petitioner at Narela shall be subject to the outcome of the Writ Petition.
* That inspite of the pendency of the said application seeking stay from raising Demand Notice, the respondent has sent a Demand-cum-Allotment Letter dated 29.3.2019, to the petitioner calling upon him to pay the 10% premium of the plot termed as earnest money/ confirming amount for Rs.3,65,081/- to be deposited within 30 days from the date of issue of this Demand Letter.