Summary

* 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 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.
* 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 the petitioner may kindly be allowed to refer Rule 6 of DDA (Disposal of Development Nazul Land) 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.
* Subject to the other provisions of these rules, the Authority shall allot Nazul land a t the pre-determined rates in the following cases namely:- to individuals whose land has been acquired for planned development of Delhi after the 1st day of January, 1961, and which forms part of Nazul land: 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’; That in view of the aforesaid provision of Law, it is the duty and responsibility of the Central Government to make appropriate provisions for allotment of alternative plots.
* 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.
* That this Hon’ble Court in number of cases while interpreting Scheme of Alternative Plot has emphasized that there is an element of urgency in the Scheme and by the delay and inaction on part of the respondent not only defeats the purpose behind the scheme but also deprive the petitioner of his valuable rights.