

Rahul Kumar vs Delhi Development Authority & Ors on 23 March, 2023

Author: Manmeet Pritam Singh Arora

Bench: Manmeet Pritam Singh Arora

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3587/2023 & CM APPL. 13876/2023

RAHUL KUMAR

Through: Petitioner in person

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Ms. Manika Tripathy, SC for DDA

with Mr. Rishabh and Mr. Manish

Vashist, Advocates

Mr. Satyakam, ASC with Ms. Pallav

Singh, Advocate

Mr. Rahul Sharma, CGSC with Mr.

C.K. Bhatt and Mr. Ayush Bhatt,

Advocates for R-3

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 23.03.2023 W.P.(C) 3587/2023 & CM APPL. 13875/2023

1. The present petition has been filed by the Petitioner being aggrieved by the digital boundary line of UC 933 (Mansa Ram Park, Block-A, B, C, D, D-1 & D-1, Ext.) provided by Respondent No. 2, Urban Development (Unauthorized Colony) Cell, which is updated on the website of Delhi Development Authority.

2. The Petitioner has submitted that a row of 14 houses has been excluded from the boundary, even though, the said 14 houses/plots were part of the plan submitted by the RWA in the year 2008 to Respondent, DDA.

3. The Petitioner states that out of 14 plots, at least, in case of 11 plots, the building stood constructed in the year 2008 or 2010. He fairly admits that as far as the Petitioner is concerned, his building was constructed in the year 2021, though, the plot existed prior date.

4. The learned counsel for the Respondent states that the plot of the Petitioner falls outside the digital boundary line of UC 933; and she readily is not aware of the reason for the said exclusion.

5. Keeping in view the averments made in the present petition, this Court is of the opinion that in the first instance, Respondent, DDA should consider the averments made in this petition and the documents filed by the Petitioner to examine the merits of the contention of the Petitioner and pass a speaking order with respect to the claims raised by the Petitioner herein.

6. Survey of India is also a party, Respondent No. 3. Since, the issue pertains to the digital boundary. It is further directed that the Survey of India, in addition to DDA, will consider the writ petition as a representation.

7. Deputy Director, LM, DDA and Survey of India are directed to hold a joint meeting to hear the Petitioner on 02.04.2023 at 03:30 PM, wherein, the Petitioner will be heard on the documents which he wishes to present in the said meeting. The present petition be treated as a written representation.

8. If after hearing the Petitioner, the DDA and Survey of India deem it appropriate, they may also hold another meeting in the presence of the concerned Official of GNCTD with respect to the issues raised by the Petitioner.

9. The Petitioner herein is directed to appear before the Deputy Director, LM, on 02.04.2023 at 03:00 PM alongwith all required documents.

10. It is directed that Respondents shall pass a speaking order within a period of two weeks, after the last meeting is held with the Petitioner herein.

11. The Respondents are directed to consider and take into account the submission of the Petitioner that these plots/houses have been pre-existing.

12. In case, the Respondents reject the relief sought by the Petitioner, the reasons that weighed with the boundary committee for excluding the said 14 plots/houses from the digital boundary be also set out in the speaking order.

13. It is directed that speaking order may be communicated to the Petitioner within a period of two weeks thereafter to enable him to take his remedies in accordance with law.

14. The present petition is disposed of alongwith all pending applications.

15. It is clarified that this Court has not expressed any opinion on the merits of the averments made in the present petition.

MANMEET PRITAM SINGH ARORA, J MARCH 23, 2023/rhc/asb