

# Randhir Singh vs Delhi Development Authority And Anr on 25 January, 2019

**Author: C.Hari Shankar**

**Bench: C.Hari Shankar**

\$~34 & 40

\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
CM APPL. 2278/2019 in

+ W.P.(C) 9949/2018

RANDHIR SINGH

..... Petitioner

Through: Mr. Sudhir Nandrajog, Sr. Adv.  
with Mr. Nitin Mishra, Mr. Arun Sharma  
and Mr. Sumit Tomar, Advs.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR.

..... Respondents

Through: Mr. Ajay Verma, SSC for DDA  
with Mr. Dhanesh Relan, SC, Mr. Sumit  
Mishra, Ms. Komal Sorout and Ms.Gauri  
Chaturvedi, Advs.

+ W.P.(C) 5014/2018 & CM APPL. 2456/2019

SH. RAJESH AND ORS.

..... Petitioners

Through: Mr. Mukesh Gupta, Adv. with  
Mr. Yudhishter Sharma and Mr. Ashish  
Sehrawat, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Ajay Digpaul, CGSC with  
Ms. Madhuri Dhingra, Adv.for UOI  
Mr. Ajay Verma, SSC for DDA with Mr.  
Dhanesh Relan, SC, Mr. Sumit Mishra, Ms.  
Komal Sorout and Ms. Gauri Chaturvedi,  
Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% 25.01.2019 CM APPL. 2278/2019 in W.P.(C) 9949/2018 & CM APPL. 2456/2019 in W.P.(C) 5014/2018

1. The submissions of the applicants in these applications, who are the petitioners in the respective writ petitions, is that, according to the policy for allotment of alternative plots to persons whose land was acquired under the Rohini Residential Scheme, they were entitled to be allotted alternative plots in in the vicinity, and in the respective zones, in which the lands which were acquired were situate, i.e. in both these writ petitions, in the Dwarka area.
2. Mr. Nandrajog, learned Senior counsel appearing for the petitioner in W.P.(C) 9949/2018, submits that, without any alternative plot being allotted to his client in Dwarka, on the ground that no plots were available, plots located in Dwarka are actually being auctioned.
3. He submits that, in the circumstances, given the policy of the DDA, to allot plots in the same zone in which the land acquired was situate, one plot in the Dwarka must be kept reserved for his client.
4. Mr. Mukesh Gupta, learned counsel appearing for the petitioners in W.P.(C) 5014/2018, effectively raises the same plea. He acknowledges the fact that the petitioners in his case have been allotted alternative plots in Narela, but states that the said petitioners are giving up the said allotment, as, in his perception, they are entitled to alternative plots in the south zone, the land being acquired from the petitioners being situated in the said zone.
5. Rebutting the submissions of the petitioners, Mr. Ajay Verma, learned SSC appearing for the DDA, submits that there is no sacrosanct policy to the effect that the alternative plot allotted must necessarily be in the same zone in which the land acquired was situate. Rather, he submits, if one were to go by the decision of the Full Bench of this Court in Ramanand v. UOI, AIR 1994 Delhi 29, the right of the petitioners to allotment of an alternative plot is itself subject to availability of an alternative plot and, therefore, there could be no question of their maintaining a claim to preferential allotment in any particular area.
6. That apart, he submits that the policy of the DDA is to grant alternative allotments, against which lands are acquired, only in upcoming projects. He submits that Dwarka was, at one time, an upcoming project, but has, since, been fully developed and that, given the fact that the DDA operates on a no-loss no-profit basis, it cannot possibly be allotting such fully developed plots to persons whose land was acquired at pre-determined rates.
7. He also submits that the petitioners have also received compensation against the acquisition of the land.
8. The issue of the entitlement of the petitioners, to alternative land at Dwarka is, in my view, undoubtedly a thorny issue, which would have to be decided keeping in view the policy and practice that is being followed in that regard.
9. At this stage, I am of the view that it cannot be said, definitively that the petitioners are entitled to an alternative plot in the Dwarka area.

10. In that view of the matter, I am of the opinion that the interests of justice would be met, if, at this stage, these applications are disposed of with a clarification that the auction of the plots at Dwarka would be subject to the outcome of the writ petitions.

W.P.(C) 9949/2018 & W.P.(C) 5014/2018

11. These writ petitions are listed on 7th February, 2019. On the said date, Mr. Ajay Verma, learned Senior Standing Counsel for the DDA, submits that he would not be available as he has to attend to a family function.

12. Accordingly, these matters are renotified for hearing and final disposal at the end of the Board on 14th February, 2019

13. The parties are directed to complete their respective pleadings before the said date.

14. The earlier date fixed in these matters i.e. 7th February, 2019, stands cancelled.

C.HARI SHANKAR, J JANUARY 25, 2019 dsn