

Shri Rishi Pal vs Delhi Development Authority And Ors on 30 January, 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) 1060/2023 & CM APPL. 4174/2023, CM APPL. 417

CM APPL. 4176/2023

SHRI RISHI PAL

Through: Mr. Ravinder Sethi,
with Mr. Puneet Shar

versus

DELHI DEVELOPMENT AUTHORITY AND ORS. Respondent

Through: Mr. Ashim Vachher, s
DDA along with Mr. K
Advocate and Neeraj
Counsel, Mr. Vedansh
Pleader.

Mr. Sushil Dixit and
Chauhan, Advocate fo

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 30.01.2023 Exemption allowed, subject to all just exceptions. Accordingly, this application is disposed of. W.P.(C) 1060/2023

1. Learned senior counsel for the Petitioner states the prayer in the present petition is limited to Petitioner's Plot no. B-1/357, New Kondli Colony, Delhi, admeasuring 26 sq. mtrs ('the subject plot).

2. He states that the present petition has been filed by the Petitioner seeking a direction to Respondent no. 1, Delhi Development Authority ('DDA') to execute a lease deed in favour of the Petitioner and to grant him permission to carry out construction on the subject plot.

3. He states that that there is a lack of clarity as to which is the concerned statutory authority empowered to execute the lease deed. He states that the original allotment letter dated 31.05.1988 was issued by DDA. He states that however, DDA has expressed its inability to execute the lease deed and has taken a stand that the authority, which is competent to execute the lease deed is Respondent no.3, Delhi Urban Shelter Improvement Board ('DUSIB'). However, Respondent no. 3 disputes the said stand of DDA.

4. Issue notice.

5. Learned standing counsel for Respondent no. 1, DDA, who appears on advance notice states that the relevant file for the subject property has been handed over by DDA to Respondent no. 3, DUSIB. He states that DUSIB is the competent authority for granting reliefs sought by the Petitioner in present petition.

6. In contrast, learned counsel for the Respondent no. 3, DUSIB states that DUSIB is only the manager of the subject colony and does not have the legal authority to execute a lease deed in favour of the Petitioner. He states that the reliefs sought by the Petitioner are not maintainable as against Respondent no. 3.

7. This Court has considered the submissions of the learned counsel for the parties.

8. In view of the facts and circumstances of the present case and the conflicting stands taken by the DDA and DUSIB, this Court is of the considered opinion that a meeting should be held between the Director, Land Management, DDA and Director (Land), DUSIB, within three weeks, preferably, on or before 21.02.2023, in order to take a decision on the reliefs sought by the Petitioner in the present writ petition and take a categorical stand with respect to the statutory body which is authorized to execute lease deeds for the allotments made in New Kondli colony. The decision taken at the said meeting shall be placed on record within one week thereafter.

9. Counter affidavit of Respondent nos. 1 and 3 be filed within four weeks after 21.02.2023. Rejoinder, if any, within four weeks thereafter.

10. At this stage, no counter affidavit is being sought from Respondent nos. 2 and 4.

11. Learned counsel for Respondent no. 1, DDA states that no coercive steps are being taken by DDA with respect to subject plot.

12. List on 02.05.2023.

MANMEET PRITAM SINGH ARORA, J JANUARY 30, 2023/hp/kv