

Smt. Parveen Rani Sh. Yogesh Chander Sh. ... vs Delhi Development Authority And Ors on 7 January, 2019

Author: C. Hari Shankar

Bench: C. Hari Shankar

\$~4 to 7, 27 to 30

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 13748/2018 & CM APPL. 53636/2018
+ W.P.(C) 13749/2018 & CM APPL. 53639/2018
+ W.P.(C) 13751/2018 & CM APPL. 53676/2018
+ W.P.(C) 13781/2018 & CM APPL. 53823/2018
+ W.P.(C) 1916/2016 & CM APPL. 40640/2016
+ W.P.(C) 2688/2016 & CM APPL. 40641/2016
+ W.P.(C) 2707/2016 & CM APPL. 40644/2016
+ W.P.(C) 3237/2016 & CM APPL. 3302-3303/2017
SMT. PARVEEN RANI
SH. YOGESH CHANDER
SH. MAHENDER PAL
SMT. PREMWATI
SHANTI DEVI
SUKHWANT
DEEPAK KHANNA
JAWAHAR SHARMA Petitioners
Through: Ms. Ujala Vishnoi and
Mr. Randeep Singh, Advs.

versus

DELHI DEVELOPMENT AUTHORITY
AND ORS. Respondents
Through: Ms. Shahana Farah, Adv. with
Mr. Rahul Dubey and Mr. Chitral, Adv. for
DDA in item 4 to 7
Ms. Monika Tripathy Pandey and
Mr. Ashutosh Kaushik, Adv. for DDA
Ms. Hetu Arora Sethi, ASC for GNCTD
with Mr. Sidharth, Adv.
Ms. Prabhsahay Kaur, Adv. for GNCTD in
item 30
Mr. Santosh Tripathi, ASC for GNCTD with
Mr. Rishabh Ostwal, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
ORDER

% 07.01.2019 CM APPL. 53636/2018 (exemption) in W.P.(C) 13748/2018 CM APPL. 53639/2018(exemption) in W.P.(C) 13749/2018 CM APPL. 53676/2018 (exemption) in W.P.(C)

13751/2018 & CM APPL. 53823/2018 (exemption) in W.P.(C) 13781/2018 Allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 13748/2018, W.P.(C) 13749/2018, W.P.(C) 13751/2018, W.P.(C) 13781/2018 Issue notice to the respondents, returnable on 2nd May, 2019.

W.P.(C) 13748/2018, W.P.(C) 13749/2018, W.P.(C) 13751/2018, W.P.(C) 13781/2018, W.P.(C) 1916/2016, W.P.(C) 2688/2016, W.P.(C) 2707/2016 & W.P.(C) 3237/2016 The petitioners in these writ petitions claim to be migrants from Punjab who, owing to the situation of militancy existing in Punjab during the years 1986 to 1990, migrated to Delhi.

These writ petitions aver that the petitioners were temporarily housed in private tents by the Government of Delhi, pursuant to their depositing their ration card, issued by the Government of Punjab and verification and scrutiny by the Additional District Judge.

These migrants later claimed permanent rehabilitation and, consequent to verification and inspection, two lists, containing the name of 2130 and 457 migrants, living at the Peeragarhi Relief Camp were forwarded to the DDA.

The petitioners claimed that their names figured in the said lists. It appears that the DDA came up with a scheme titled "Housing Scheme for Rehabilitation of Punjab Migrants" (HSRPM) for rehabilitation of the aforesaid migrants, subject to their names being recommended by the SDM and their fulfilling the prescribed eligibility criteria, as per the brochure relating to the Scheme.

The petitioners also claimed to have applied thereunder. Various draws were held by the DDA, from time to time, for allotment of residents to the said migrants.

The last such Draw, bearing No.201, was conducted on 20th August, 2008. The petitioners claimed to be successful allottees under the said Draw, and to have been allotted flats therein.

Despite this, it is stated that the flats have not been handed over to the petitioners, on the ground that verification and enquiry is still ongoing.

In these circumstances, the petitioners seek issuance of a mandamus to the DDA to hand over, to them, possession of the flats allotted to them in the aforesaid Draw No. 201, conducted by the DDA.

A similar controversy is pending before the Division Bench of this Court in a batch of Letters Patent Appeals headed by LPA 86/2017 (Amarjeet v. DDA). The following order has been passed by the Division Bench, in the said LPA, on 27th November, 2018:

"1. In pursuance to the order passed on 31st July, 2018, the affidavit filed by the SDM, Punjabi Bagh indicates that a Committee has been constituted to co-ordinate

with the Punjab Government Officers to seek report for genuineness of the successful allottees for giving possession of flats under Draw No.201 held by DDA. The Committee is seized of the matter, however due to non- cooperation from the Government of Punjab, the verification process could not be conducted.

2. We direct the Chief Secretary of the Government of Punjab to cooperate in the inquiry being conducted in pursuance to the order passed by this Court. The Committee is directed to proceed with the inquiry and submit a report within 3 months from today.

3. List the matters on 16th April, 2019.

4. Copy of this order be forwarded to the Chief Secretary, Punjab for necessary action."

In this scenario, learned counsel for the petitioner requests that the Committee, to which the aforementioned order dated 27th November, 2018 refers, be also directed to examine the case of the petitioners.

The request is reasonable.

Accordingly, the Committee constituted pursuant to the order passed by the Govt. of NCT of Delhi, to which the aforementioned order dated 27th November, 2018 refers, is directed to examine the case of the present petitioners as well, in collaboration with the Chief Secretary to the Government of Punjab and to submit a report, in respect to the present petitioners as well, within three months.

Renotify on 2nd May, 2019.

C. HARI SHANKAR, J JANUARY 07, 2019 dsn