

Devender Lal Thanjee and anr. Vs. Delhi Development Authority

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SooperKanoon Citation : sooperkanoon.com/682887

Court : Delhi

Decided On : Jul-13-1988

Reported in : 36(1988)DLT25; 1988(15)DRJ306

Judge : N.N. Goswamy, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : Civil Writ Petition No. 1994 of 1987

Appellant : Devender Lal Thanjee and anr.

Respondent : Delhi Development Authority

Advocate for Pet/Ap. : S.K. Puri and; S.P.Kaira, Advs

Judgement :

N.N. Goswamy, J.

(1) This petition under Article 226 of the [Constitution of India](#) is directed against the memo dated 27-2-1987 issued by the Deputy Director, Delhi Development Authority whereby the petitioners were informed that the allotment in their favor of shop/stall No. 16/3 in commercial complex at Naraina, Industrial Area constructed on plots Nos. 15-16 had been cancelled and the earnest money stood forfeited as they failed to deposit the balance premium within the stipulated period.

(2) The facts are not in dispute. Admittedly, the bid of the petitioner was accepted on 16-7-1986 and they had deposited 25% of the bid amount at the spot. According to the terms of auction, the balance amount had to be deposited within three days of the receipt of the demand letter. The demand letter is dated 22-8-1986 but was admittedly served on the petitioners on 13-9-1986. The amount was deposited in terms of the demand on 10-10-1986 i.e. within the 30 days of the receipt of the demand letter. The respondent Dda seems to have taken the date of issue of the demand letter to be the terminus quo for calculating the period of 30 days. The learned counsel for the respondent-DDA states that the letter was sent to the petitioners but they had not accepted the same but he admits that it was served only on 13-9-1986 through the process server of the D.D.A. The contention of the learned counsel is not based on any material as neither there is anything to indicate that the letter was ever sent to the petitioners prior to the date of service and in fact even the counter affidavit to the writ petition has not been filed in spite of the fact that a period of one year has elapsed since the rule was issued. Even the rule was issued after a notice to show cause as to why rule nisi be not issued was duly served on the respondent and in spite of notice neither any cause was shown nor any appearance was put in.

(3) I find the action of the respondent to be most unwarranted and lacks the application of mind. The rule is, therefore, made absolute and the impugned memo dated 27-2-1987 is hereby quashed. The D.D.A. is directed to hand over possession of the stall/shops mentioned above within one month from to-day. The petitioners will be entitled to their costs. Counsel's fee Rs. 500.00 .