

Krishan Dhawan Vs. Delhi Development Authority

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Court : Delhi

Decided On : Apr-13-2004

Reported in : AIR2004Delhi313; 111(2004)DLT446; 2004(74)DRJ562

Judge : Dalveer Bhandari and; R.C. Jain, JJ.

Appeal No. : W.A. No. 425/2004

Appellant : Krishan Dhawan

Respondent : Delhi Development Authority

Advocate for Pet/Ap. : R.K.Saini and; N.R.Sharma, Advs

Disposition : Appeal dismissed

Judgement :

R.C.Jain, J.

1. C.M.Nos.4773-74/2004

2. These are applications for condensation of delay in filing and re-filing the appeal.

3. For the reasons mentioned in the applications, the applications are allowed and the delay in filing and re-filing the appeal are condoned.

4. These applications are disposed of accordingly.

5.W.A.No.425/2004 & C.M.No.4772/2004

6. This appeal is directed against the judgment of the learned Single Judge dated 27th August, 2003 thereby disposing of the writ petition filed by the appellant herein challenging the action of the respondent-DDA in cancelling the allotment of the plots allotted to the father and mother of the appellant and not restoring the plot to one of them and seeking allotment of a plot in favor of the appellant. The learned Single Judge has dismissed the writ petition primarily on the ground that there was mis-representation and concealment of material facts by filing of false affidavits which has lead to the cancellation of the plots allotted to the parents of the petitioner. However, taking a compassionate view, the Court directed that the amount deposited by the parents of the petitioner may be refunded to the petitioner after deducting the cancellation charges and other requisite charges as per the policy of the Delhi Development Authority within a period of three months from the date of order.

7. Mr.R.K.Saini, learned counsel for the appellant has vehemently urged that under the scheme of allotment of plots by the DDA, both the parents of the petitioner could get themselves registered as they were eligible to do so and had not incurred any disqualification and since before the conveyance deed of the plots in question was registered in favor of the parents of the petitioner, one of them, i.e. the father had surrendered the allotment and, thereforee, the DDA was not justified in cancelling the allotment of both the plots made in favor of his parents. The learned Single Judge has taken pains to note the reprehensible conduct of the parents of the appellant in not only applying for registration and allotment of plot under the said scheme of the DDA but even accepting the allotment and further acting by depositing the requisite amount against the two plots and by filing false affidavit and suppressing material facts about the registration and allotment of plots in favor of both of them.

8. We are not prepared to accept the contention of Mr.Saini that the parents of the appellant would have incurred disqualification only after a conveyance deed of the plot had been executed in favor of the other. It appears to us that there was a clear

attempt on the part of the parents of the appellant to secure two plots by suppression of material facts. In our opinion, on the face of such a conduct, the impugned order is eminently justified and calls for no interference by this Court. Dismissed.

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