

Pawan Prakash Gupta Vs. Delhi Development Authority

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Court : Delhi

Decided On : Apr-12-2001

Reported in : 60(2001)DLT392

Judge : Manmohan Sarin, J.

Appeal No. : Civil Writ Petition No. 5769 of 1998

Appellant : Pawan Prakash Gupta

Respondent : Delhi Development Authority

Advocate for Def. : Ms. Anusuya Salwan, Adv.

Advocate for Pet/Ap. : Mr. Vikram Nandrajog, Adv

Judgement :

ORDER

Manmohan Sarin, J.

1. Rule. With the consent of the parties, the writ petition is taken up for disposal.

2. Petitioner has filed this writ petition seeking a writ of mandamus for restoration of his registration with the respondent DDA, for allotment of an LIG Flat under the HUDCO Pattern Scheme, 1979. Petitioner also prays that this name be considered in future draw of lots for allotment of the flat under the said Scheme.

3. The facts essential for the disposal of this writ petition may briefly be noted:

(i) Petitioner had applied to the respondent Delhi Development Authority for allotment of an LIG Flat under the HUDCO Patter Scheme, 1979. Petitioner received intimation on 28th January, 1991 that he had been allotted a flat at Bindapur, Dwarka. The said flat happened to be a Janta category flat. Petitioner brought it to the attention of the respondents that he had not been allotted the flat for which he had applied.

(ii) Taking into consideration the representation of the petitioner for allotment of LIG Flat in lieu of the one allotted at Bindapur, Dwarka, petitioner was allotted an LIG flat at Dilshad Garden. Allotment-cum-Demand letter was sent to the petitioner on 1/3.8.1995.

(iii) Petitioner's case is that he did not receive the said allotment-cum-demand letter and, consequently, could not make the payment.

(iv) Since the payment was not deposited by the petitioner, respondents cancelled the allotment in favor of the petitioner vide letter dated 2.1.1997. Petitioner's representations were also rejected vide letters dated 8.5.1998 and 28.8.1998 respectively.

4. Record has been perused. It is noticed that the allotment-cum-demand letter had been duly dispatched to

the petitioner's original address, i.e. D-8, Satyawati Colony, Wazirpur, Delhi. Subsequently, petitioner had addressed a communication to the respondents where he had indicated his address as C/o Jaswant Cold Storage, C-5, Lawrence Road Industrial Area, Delhi - 110035. Respondents claim that future correspondence was addressed to the petitioner at the aforesaid changed address.

5. Petitioner, in the year 1991, had requested the respondents for allotment of an LIG flat in lieu of the Janta flat allotted to him at Bindapur Dwarka. He claims to have remained ignorant about the fate of his application till he received the letter of cancellation on 2nd of January, 1997. The respondent DDA cannot be faulted with for having addressed the communications at the changed address, as communicated by the petitioner. Consequently, as a result of non-payment, the allotment in favor of the petitioner was cancelled.

6. Counsel for the petitioner attempted to urge that this was a case where clemency ought to be shown to the petitioner as due to change of circumstances he had shifted from one address to the other. Counsel prays that if the allotment of the flat cannot be restored, at least the registration can be kept alive even with the loss of priority.

7. On 1st of February, 2001, the case had been adjourned to enable the counsel for the respondents to seek instructions on the request made on behalf of the petitioner. Learned counsel for the respondents has today shown to me a policy decision, as recorded in their Circular dated 31.1.1994, that the practice of relegating defaulters at the end of the list has also been discontinued with effect from 1st of January, 1994. Petitioner, therefore, has to apply afresh if he seeks to have an allotment from the DDA.

8. The writ petition has no merit and is dismissed.

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