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**Court :** Delhi

**Decided On :** Apr-11-1997

**Reported in :** 1997IIIAD(Delhi)1053; 67(1997)DLT362

**Judge :** Devinder Gupta and; K.S. Gupta, JJ.

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

**Appeal No. :** Civil Writ Petition No. 4406 of 1995

**Appellant :** Khursheed Jahan and ors.

**Respondent :** Delhi Development Authority

**Advocate for Pet/Ap. :** B.U. Barqi and; Apurab Lal, Advs

**Judgement :**

**K.S. Gupta, J.**

(1) Petitioner No. 1 is the widow while petitioners 2 to 4 are the children of late Abdul Sattar. In this petition under Article 226 of the [Constitution of India](#) case of the petitioners is that Abdul Sattar was the co-owner to the extent of th share in the land measuring 31 bighas and 19 bids was comprised in Khasra No. 687 in Village Wazipur and that land was acquired vide Award No. 15/72-73 dated June 19,1972. In view of the acquisition of land, petitioners were conveyed through letter No. F. 20 (106) 93 LAC/CE/1475 dated April 25,1994 (Annexure P-4) by the

respondents in regard to allotment of V/Stall No. 2 measuring 9.34 sq. metres at Csc Rajdhani Enclave, Peetampura, on a premium of Rs. 2,53,600.00 . After adjustment of the amount deposited a sum of Rs. 2,50,075.00 towards the balance premium amount was to be paid within 30 days from the date of issue of the letter. It is alleged that Rajdhani Enclave, Peetampura, is not a lucrative site and the amount of the premium demanded by the respondents is also exorbitant. At the most respondents can charge premium at the rate prevailing at the time of acquisition of the land. Demand raised in the said letter dated April 25,1994 is, therefore, bad in the eye of law. It is prayed that by issue of a writ of mandamus respondents be directed to allot an alternative stall in South Delhi area and in case the allotment of aforesaid V / Stall No. 2 is continued the respondents be directed not to charge Rs. 2,50,075.00 .

(2) In response to the show-cause notice respondents filed a joint reply on the affidavit of Ashma Manzer, Dir (CL) DDA. It is alleged that under the scheme framed by the Dda persons whose lands were acquired had been allotted shops for their livelihood at the reserve price. Petitioners had also been allotted V/Stall No. 2 measuring 9.34 sq. metres at Rajdhani Enclave, Peetampura, on the condition of their depositing Rs. 2,50,075.00 within the stipulated period. Disposal cost of the aforesaid still was worked out in accordance with the approved pricing policy and the same is not exorbitant, as alleged. It is alleged that as the petitioners failed to deposit the paid sum within the stipulated period, the allotment stood cancelled as per the rules. Petitioners made a request for allotment of a general shop in lieu of allotted vegetable shop, which was turned down as per policy.

(3) We heard the learned Counsel for the parties.

RELIEFS claimed in the petition are two fold - (i) allotment of the alternative stall in South Delhi or in some other developing area of Delhi, and(ii) in case the allotment of Stall No. 2, Csc, Rajdhani Enclave, Peetampura, is continued, payment of premium amount thereof at the rate at which the petitioners' land in Village Wazipur was acquired in the year 1972 instead of demanded amount of Rs. 2,50,075 .00 .

(4) Indisputably allotment of aforesaid Stall No. 2 was not made in favor of the petitioners under any particular scheme framed by the Delhi Administration or the DDA. In the counter-affidavit the respondents have alleged that the petitioners made a request for change of allotment of the aforesaid Stall No. 2 but the same was turned down as per the policy. It is further pleaded to the counter reply that the reserve price was the basis for fixing the premium of the stall allotted to the petitioner's. Since the allotment of aforesaid Stall No. 2 was not made under the particular scheme and the request for change after consideration was turned down as per the policy, the petitioners as of right cannot claim that they be allotted alternative stall either in South Delhi or in some other developing area of Delhi as per their choice. Further, the premium amount of the aforesaid stall has been calculated on the basis of the reserve price operating on the date of the demand-cum-allotment letter dated April 25, 1994. The claim made by the petitioners for fixation of the premium amount for stall with reference to the reserve price operating in 1972 when the land of Abdul Sattar, predecessor-in-interest of the petitioners was acquired has no legal basis at all. There is absolutely no merit in the writ petition.

IN the result, the petition is dismissed but in the circumstances with no order as to costs.

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