SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Ramesh Chander Gupta Vs. D.D.A.

Ramesh Chander Gupta Vs. D.D.A.

SooperKanoon Citation : sooperkanoon.com/957510

Court : Delhi

Decided On : Apr-17-2013

Judge : V. K. Jain

Appellant : Ramesh Chander Gupta

Respondent : D.D.A.

Advocate for Pet/Ap. : Mr. Arun Birbal

Judgement :
* IN THE HIGH COURT OF DELHI AT NEW DELHI % + Date of Decision:

17. 04.2013 W.P.(C) 4885/2011 RAMESH CHANDER GUPTA Through: Versus .....Petitioner Mr. Nanda Kinra, Adv. D.D.A. ..... Respondent Through: Mr. Arun Birbal, Adv. CORAM: HON'BLE MR. JUSTICE V.K.JAIN JUDGMENT V.K.JAIN, J.

(ORAL) The petitioner got himself registered for allotment of an MIG flat from DDA, under its NPRS, 1979. At the time of registration, the petitioner disclosed his address as 85, Prem Nagar. On the allotment of the petitioner maturing, flat in Dwarka bearing No.264, Sector 17, Pocket B was allotted to him and a demand cum allotment letter was accordingly issued to him bearing the block dates i.e. 22.06.1999 to 26.06.1999, at the address given in the registration form.

2. The said letter was returned by the post office for the endorsement 85 number not available in Prem Nagar. No attempt was made by the respondent/DDA to send the demand cum allotment letter at the occupational address which the

petitioner had disclosed in the application form.

3. The allotment came to be cancelled on 18.10.2000 on account of non- payment of the price of the flat. The petitioner made a representation to DDA for the first time vide letter dated 15.10.2001, intimated the change of address from 85, Prem Nagar to I-162, Ashok Vihar and also seeking information with respect to the status of the allotment. The said letter is stated to have been sent by registered post and a copy of the postal receipt has been placed on record. However, no allotment has thereafter been made to the petitioner despite various representations from him. Being aggrieved from non-allotment of the flat to him, the petitioner is before this Court by way of this writ petition.

4. A perusal of the ration card of the petitioner would show that it bears the address 85, Prem Nagar, Delhi-110007. The same is the address disclosed in the application submitted by the petitioner at the time of registration. The petitioner has also placed on record a copy of the electricity bill issued by NDPL bearing the address 85, Sabzi Mandi, Prem Nagar. It would, thus, be seen that there is a property bearing No.85, Prem Nagar which actually exists. Since such a property does exist, it is obvious that the report given by the postman on the allotment letter sent to the petitioner was incorrect. The petitioner cannot be made to suffer for a mistake committed by the post office.

5. In my view, once the allotment letter sent to the petitioner was returned by the postman with the above referred endorsement, DDA ought to have sent the said letter at the occupational address of the petitioner disclosed in the application submitted by him. No such course of action was adopted by DDA. Therefore, there is no good reason why the petitioner should be deprived of allotment of a residential flat to him by DDA.

6. The learned counsel for the petitioner on instructions states that the petitioner is ready to pay the price of the flat as prevailing on the date of filing of the writ petition i.e. 13.07.2011.

7. In these circumstances, the writ petition is disposed of with the direction to the respondent DDA to allot an MIG Flat to the petitioner as per his entitlement by

holding a mini draw in this regard within a period of two months from today. The petitioner shall pay the price of the flat so allotted to him as on the date of filing of the writ petition. The writ petition stands disposed of accordingly. V.K. JAIN, J APRIL 17 2013/rb

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com