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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 25.10.2024*

+ **W.P.(C) 15128/2024 & CM APPL. 63435/2024 and CM APPL. 63436/2024**

SANTOSH KUMAR DEWAN

.....Petitioner

Through: Mr. Advocate [Appearance not given]

versus

UNION OF INDIA & ORS..

....Respondent

Through: Mr. Vivek Goyal, CGSPC with Mr. Gokul Sharma, Adv. for UOI/R-1.
Mr. Shoumendu Mukherji, Advocate for R-2/DDA.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J. [ORAL]

CM APPL. 63435/2024 [Exemption from filing true typed copies]

1. Allowed, subject to the Petitioner filing true typed copies of the annexures within a period of four weeks.
2. The Application stands disposed of.

W.P.(C) 15128/2024 & CM APPL. 63436/2024 [for stay]

3. At the outset, learned Counsel for the Petitioner submits that the Petitioner is restricting his prayers to prayer (b) of the present Petition, which reads as follows:

"b. Pass a Writ of Mandamus or appropriate Writ in favour of the Petitioner and against the Respondent No.2, thereby, directing the Respondent No.2 to regularize the suit property bearing No. T-1888,



AshokaPahari Upper Ridge Road, Karol Bagh, New Delhi-110005 in favour of the Petitioner;”

4. Issue Notice.
5. Learned Counsel for the Respondents accept Notice.
6. Given the order that the Court proposes to pass today, learned Counsel for the Respondents submit that they do not wish to file any Counter-Affidavit.
7. With the consent of the parties, the matter is taken up for final hearing and disposal today.
8. The principal grievance of the Petitioner is that the Petitioner was allotted the suit property bearing No. T-1888, Ashoka Pahari Upper Ridge Road, Karol Bagh, New Delhi-110005 [hereinafter referred to as “subject property”] after a census of squatters was conducted in the year 1951.
 - 8.1 It is contended that thereafter in compliance with the Gadgil Assurance Scheme, the Executive Officer O.S.B. also issued a letter whereby the Petitioner was made eligible for the allotment / regularization of the subject property. The Petitioner claims that he has duly paid damages to the Respondents for use and occupation of the subject property from time to time.
 - 8.2 Learned Counsel for the Petitioner submits that his demand of regularization of the subject property has been pending for a long period of time.
9. Learned Counsel for the Respondent No.2 submits, on instructions, that the Respondent No.2/DDA will examine the case file and pass a Speaking Order.
10. Accordingly, the Respondent No.2/DDA is directed to treat the



present Petition as a representation and decide the representation of the Petitioner by way of a Speaking Order.

10.1 For this purpose, the Petitioner or his authorized representative will be given an opportunity to be present for hearing / clarification before the concerned authority i.e., Director, Old Scheme Branch (OSB), Delhi Development Authority at C-Block, Ground Floor, Vikas Sadan, INA, New Delhi 110023.

10.2 The Respondent No.2/DDA shall pass a Speaking Order within 12 weeks from today.

10.3 The Speaking Order shall be communicated to the Petitioner by an acknowledged postal service and email.

11. In the meantime, let no coercive steps be taken by the Respondents against the Petitioner for the period when the Application is being adjudicated by Respondent No.2/DDA and for the period of two weeks, after the passing of the Speaking Order.

12. The Petition and all pending Applications are disposed with the foregoing directions.

13. Needless to add, if the Petitioner is aggrieved with the order passed by the Respondent No.2/DDA, he may take appropriate steps in accordance with law. All rights and contentions of both parties are left open in this regard.

14. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

OCTOBER 25, 2024/ ha

Click here to check corrigendum, if any