



* IN THE HIGH COURT OF DELHI AT NEW DELHI
% Judgment reserved on : 14 October 2024
Judgment pronounced on: 03 December 2024

+ CONT.CAS(C) 895/2016

SANJEET GAHLOTPetitioner

Through: Mr. Kavindra Solanki and Mr.
Nitin Kumar, Advs.

versus

ARUN GOELRespondent

Through: Mr. Sanjay Kumar Pathak,
Standing Counsel with Mr.
Sunil Kumar Jha and Mr. M.S.
Akhtar, Advs. for L&B/
GNCTD

Ms. Kritika Gupta, Adv. for
DDA

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

J U D G M E N T

1. The petitioner is seeking initiation of the contempt proceedings against the respondent for the alleged wilful disobedience of the directions of this Court contained in the order dated 21.12.2015 passed in W.P.(C) No.2926/2013 titled "*Shri Sanjeet Galhot v. DDA & Anr.*"

FACTUAL BACKGROUND

2. In a nutshell petitioner's late father, Shri Chhotey Lal, was the recorded bhumidar, holding 1/8th share in the land situated in Khasra Nos. 22/3 min (2-08), 6/1 (2-06), 6/1 (2-06), 6/3 (0-07), 7/1 (2-08), 23/10/1 (3-02), and 10/2 (0-08), cumulatively measuring 10 bighas and 19 biswas, located in the revenue estate of village Kakrola, New Delhi (*hereinafter referred as the "subject land"*). The said subject



land was acquired by the Delhi Government under Award No. 1/1993-94 dated 02.04.1993 for the purpose of the planned development of Delhi, and possession thereof was taken on 02.03.1994.

3. Subsequently, late Shri Chhotey Lal submitted an application to Land & Building Department of Government of NCT for allotment of an alternative land under the Dwarka Residential Scheme. The said application was duly processed by the Land and Building Department, which recommended the allotment of an 80-square-yard plot in favor of late Shri Chhotey Lal vide letter dated 06.09.2007. However, Shri Chhotey Lal expired on 01.01.2008, leaving behind his widow and three sons. The legal heirs executed a relinquishment deed dated 25.10.2012, transferring their respective rights in favor of the petitioner.

4. Furthermore, the petitioner asserts that he duly informed the respondent/DDA of the aforesaid developments and requested that the necessary changes be made to their records to facilitate the allotment process. Subsequently, the respondent/DDA prepared a list of waiting recommendees/prospective allottees, although the petitioner's name was included at Serial No. 121 in the aforesaid list, it was subsequently omitted from the seniority list published on the DDA Notice Board. Aggrieved by the exclusion in the draw which was scheduled in May 2013, the petitioner preferred Writ Petition No. 2926/2013 and this court vide order dated 21.12.2015, disposed of the W.P.(C) No. 2926/2013 directing the respondent/DDA to include the petitioner's name in the next draw within three months from the date of the order. The operative portion of the order is reproduced as under:



“Since respondent No. 2 in its counter affidavit has now stated the case of the petitioner stood recommended and re-verified vide order dated 03 May, 2013, learned counsel for respondent No. 1 states that the name of the petitioner shall be included in the next draw.

Consequently, the present writ petition is disposed of with a direction to the DDA to include the petitioner's name in the next draw which is directed to be held within a period of three months. With the aforesaid direction, the present writ petition stands disposed of.”

5. The petitioner contends that, notwithstanding multiple reminders issued on 11.01.2016, 28.01.2016, and 18.04.2016, the respondent/DDA failed to adhere to the directives of this Court. Such inaction on the part of the respondent/DDA has deprived the petitioner of their rightful allotment. Consequently, the petitioner has instituted the present Contempt Petition, bearing No. 895/2016.

6. The respondent/DDA, through affidavits dated 17.02.2023, 12.05.2023, and 01.09.2023 filed in the present Contempt Petition No.895/2016, submits that the petitioner’s recommendation pertains to the allotment of a plot measuring 80 square yards. However, since passing of the order dated 21.12.2015, no draw for such plots has been conducted due to their unavailability. It is submitted that following the declaration of certain areas as Developed Areas, the Director (Land & Coordination) of the DDA, via Circular No. F.2(39)95/AO(P)/Pt./141 dated 24.11.2005, stipulated that alternate plots would only be allocated in upcoming projects. Subsequently, the Screening Committee, in a meeting held on 04.11.2015 under the Chairmanship of the then Vice Chairman of DDA, resolved that no alternative plots would be allotted in Dwarka, and land in Narela may instead be



earmarked for such purposes. This decision was reaffirmed in subsequent communications, including a letter dated 21.06.2017.

7. Furthermore, a note dated 15.01.2018 from the Commissioner (Planning Department of DDA) to the Commissioner (Land Disposal Department of DDA) indicated that the Dwarka project is fully developed, with high land values rendering it unsuitable for alternate plot allotments. Additionally, the Ministry of Commerce and Industry, through a letter dated 09.03.2017, emphasized the strategic importance of the Exhibition-cum-Convention Centre (ECC) project in Dwarka, Sector-25, highlighting its potential to generate enhanced land values for DDA and the Government of India. The Land and Building Department clarified that recommendations for allotments are contingent upon plot availability and do not create legal obligations.

8. This Court, vide its Order dated 21.12.2015, directed the inclusion of the petitioner's name in the next draw of lots to be held within three months. However, due to the unavailability of 80 square yard plots, the draw could not be conducted. In compliance with the Court's directions, the Land Disposal Branch has actively engaged with the Planning Branch to identify plots for such allotments, as evidenced by a communication dated 25.07.2019 from the Director (Residential Land) to the Director (Planning). Efforts to resolve this matter are ongoing.

9. The respondent/DDA further placing reliance upon affidavit dated 12.05.2023 submits that, as per records, 70 plots measuring 80 square yards were identified in Dwarka between 2013 and 2015, of



which three were allotted to similarly placed petitioners¹ through a mini draw held on 06.05.2013 in compliance with prior court directions dated 05.09.2012 in Writ Petition No.551/2012 and 25.05.2012 in Writ Petition No.3206/2012. In this context, reliance is placed on the judgment in **Ram Kumar v. DDA** dated 29.04.2019, wherein this Court upheld the substitution of allotments in Dwarka, Rohini, and Narela with those in Narela, pursuant to a public notice issued by DDA and a subsequent draw of lots.

10. In rejoinder, the petitioner brought to light the fact that conduct of the respondent/DDA in the matter of allotment of alternate plots appears to raise serious concerns, as evident from the inconsistencies in its affidavits filed both in the W.P.(C) 2926/2013 and the CONT CAS(C)895/2016 initiated by the petitioner. Reliance is placed upon the decision made in **Atter Kaur v. DDA**² (LPA No. 184/2000) where the Court held that a registrant cannot suffer due to the DDA's failure to act promptly or its errors. Similarly, in **Ram Nath v. DDA** (W.P.(C) No. 2544/2011) dated 19.01.2014, this Court observed that the petitioner cannot be made to bear the consequences of internal discrepancies within the DDA. It is further highlighted that there are indications of potential irregularities in the DDA's records and processes related to allotments of alternate plots in Dwarka. In view of these facts, the petitioner requests an inquiry to verify the veracity of the DDA's claims and assess the fairness of its allotment processes. It

¹ Mr. Mange Ram S/o Shri Pokhar in Writ Petition No. 551/2012
Mr. Om Prakash S/o Sh. Roop Singh in Writ Petition No. 3206/2012

² (2002) 97 DLT 147



is in the aforesaid backdrop that the present contempt petition has come to be instituted before this Court by the petitioner herein.

ANALYSIS & DECISION:

11. Upon hearing the learned counsels for the parties and on perusal of the record, this Court has no hesitation in holding that the respondent/DDA is in deliberate and wilful defiance of the directions of this Court dated 21.12.2015.

12. **First things first**, it is clear that W.P.(C) 2926/2013 was disposed of on statement given by the learned counsel for the respondent/DDA that the claim of the petitioner stood re-verified and recommended for allotment of an alternative plot. A statement was made by the learned counsel for the respondent/DDA to the effect that the name of the petitioner would be included in the next draw and accordingly this Court directed that his name be considered in the next draw to be held within a period of three months. It is certain that such statement was made pertaining to allotment of an alternative plot in Dwarka and nowhere else.

13. That being the case, the respondent/ DDA cannot place any reliance pursuant to the decision taken in the meeting of the Screening Committee held on 04.11.2015, i.e., prior to the aforesaid directions dated 21.12.2015, to the effect that no alternative plots could be allotted in Dwarka for the same being a developed area.

14. At this juncture, it is pertinent to mention here that the respondent/DDA in its first affidavit filed through Mr. Prashant Prasad, Deputy Director, LAB (Residential) dated 17.02.2023 *vide* paragraph (5) brought out the following position:



“3. That in order to provide a background it is submitted that, consequent on declaration of certain areas as Developed Areas, Director (LC) of DDA vide Circular No. F.2(39)95/AO(P)/Pt./141 dated 24.11.2005 intimated that the alternate plots may be allotted only in upcoming projects. Further, the Screening Committee of DDA in its meeting held on 04.11.2015 under the Chairmanship of the then Vice Chairman, DDA approved that **"No land of such alternative plots shall be allotted in Dwarka with immediate effect and PC (LD) to put a comprehensive list of plots and land may be earmarked only in Narela for the purpose, if required."** This position was reiterated by the letter dated 21.06.2017. Copy of letter dated 21.06.2017 is annexed as **Annexure-A-1**. Moreover, vide the note dated 15.01.2018 of Commissioner (Planning) to Commissioner (LD) of DDA, it has been intimated that Dwarka project is now fully developed and the land value in Dwarka is very high. Copy of note dated 15.01.2018 is annexed as **Annexure-A-2**.

4. That it had also been informed by the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide its letter dated 09.03.2017 of Additional Secretary regarding development and implementation of Exhibition-cum-Convention Centre project in Dwarka, Sector-25 related to value capturing in terms of project site of ECC, the surrounding of which has already been developed as residential and commercial area. Besides this, the area has been developed by DDA and the enhanced values due to the proposed development of ECC complex will be captured by DDA/Government of India. **The recommendation letter issued by L&B department also mentions that the recommendation made by it does not carry legal commitment for the allotment of alternative plot and allotment of alternative plot is subject to availability of plots with DDA.**

5. That, be that as it may, vide Order dated 21.12.2015, this Hon'ble Court had directed that DDA include the Petitioner's name in the next draw of lots, to be held within 3 months. **Presently, plots of 80 sq. yds. are not available due to which draw could not be held to allot plots of 80 sq. yds. In compliance of the order, the LD branch of DDA has been following up the matter with its Planning branch seeking carving out of plots so that the same can be allotted. In this regard, Letter dated 25.07.2019 has been sent to the Planning Department of the Answering Respondent/DDA asking for carving out of plots of different categories. It is stated that a draw will be held as soon as the plots are available. Copy of letter dated 25.07.2019 sent by Director (Residential Land) DDA to Director (Planning) seeking carving out of Plot is annexed as Annexure-A-3.** Another



follow up letter dated 7.01.2022 to the same effect has also been sent. Copy of letter dated 07.01.2022 sent by Director (Residential Land) DDA to Director (Planning) seeking carving out of Plot is annexed as **Annexure-A-4**. The matter is being followed up with Planning Wing of DDA on an urgent basis.”

{bold portion emphasized}

15. Well, if a resolution had already been passed in the meeting of the Screening Committee on 04.11.2015, the respondent/DDA has lot to explain as to how the aforesaid undertaking came to be given in the first place. There is no challenge to the statement given by its counsel on 21.12.2015.

16. It is also pertinent to mention that this Court *vide* order dated 21.02.2023 directed the respondent/DDA to place on the record its stand on an affidavit with respect to the availability of plots of 80 sq. yards in Dwarka as on 03.05.2013 and 21.12.2015 besides also stating in the affidavit if any other similarly placed person was allotted alternative land in Dwarka between 03.05.2013 to 21.12.2015. Further, a direction was given to give on an affidavit whether existing layout plan of Sectors in Dwarka, 80 sq. yards plots were available during the said period and the status of present availability.

17. Pursuant to aforesaid directions, was filed a second affidavit dated 12.05.2023 by Mr. Pankaj Kumar Bhagat, Deputy Director wherein the following position was brought forth:

“III. That it is respectfully submitted that as per records 07 plots of 80 Sq. yards were available in Dwarka as on 03 .05.2013 and as on 21.12.2015, there were 67 plots of 80 Sq. yards available in Dwarka.

IV. That it is respectfully submitted that as per direction of Hon'ble High Court 03plots of 80 Sq. yards in Dwarka were allotted to other similarly placed petitioner between 03.05.2013 and 21.12.2015.



V. That it is respectfully submitted that between 03.05.2013 and 21.12.2015, there are 70 plots of 80 sq. yards in the existing lay out plan of sectors in Dwarka and out of 70 plots of 80 sq. yards, 03 plots were allotted through a mini draw held on 06.05.2013 as per direction of Hon'ble High Court.

VI. That DDA respectfully prays that the present affidavit be read in continuation of the earlier affidavit filed by DDA on 01.03.2018 in this case. In that affidavit, it has inter alia been stated that DDA has been making allotments of alternative plots only in upcoming projects and not in developed areas. Further it has been deposed that the screening committee of DDA in its meeting held on 04.11.2015 under the Chairmanship of the then Vice-Chairman DDA has approved that no plot of land by way of alternative plot of land shall be allotted to any person in Dwarka with immediate effect. The letter dated 09.03.2017 of the Central Government to DDA as also been referred to and a copy of the same has also been placed on record. Copies of the relevant documents have also been annexed to that affidavit of DDA.

VII. That it is respectfully submitted that the present is a petition seeking initiation of contempt proceedings against the officials of DDA for having allegedly violated the order passed by this Hon'ble Court. It is respectfully submitted that there is no order in favour of the petitioner, which mandates DDA to allot her a plot by way of alternative plot in Dwarka or in any particular pm of Delhi. Thus, it is not open for the petitioner to contend that she be allotted a plot only at Dwarka only. DDA can allot a plot by way of alternative allotment to the petitioner in accordance with the policy of DDA and subject to availability of plots for that purpose in any part of Delhi. It is respectfully submitted that DDA allots plots by way of alternative allotment only in upcoming areas and not in developed areas. Presently, the plots by way of alternative allotment are being allotted in Narela only.

VIII. That it is respectfully submitted that the policy of DDA of allotting alternative plots in Narela has been upheld by this Hon'ble Court in in the judgement reported as Ram Kumar Vs. DDA and Another [Judgement dated 29.04.2019 in Writ Petition (Civil) No. 4902/2018]. The LPA filed by Shri Ram Kumar against the judgement dated 29.04.2019 was summarily dismissed by the Division Bench of this Hon'ble Court in LPA No. 583/2019. In the Judgement dated 29.04.2019, this Hon'ble Court has also taken note of the public notice of DDA in the newspapers intimating that the persons who had been earlier allotted plots in Dwarka, Rohini and Narela would be allotted new alternative plots in Narela for which draw would be held and thereafter the draw was held, and those persons were allotted plots at Narela.



IX. That it is respectfully submitted that the case of the present petitioner cannot stand on a higher footing than the petitioner in WP (C) No. 4902/2018. In case of Shri Ram Kumar, the recommendation letter for allotment of plot by way of alternative plot, issued by the Land and Building Department of the Government of NCT of Delhi, was dated 31.01.2006. In that case, a Demand-cum-Allotment letter for block dates 15-25 June 2010 by DDA was issued to Shri Ram Kumar allotting a plot of land by way of alternative allotment in Dwarka. However, subsequently that allotment was withdrawn by DDA and a fresh draw of lots was held on 24.04.2017. In that draw dated 24.04.2017, Shri Ram Kumar was allotted a plot at Narela. The action of DDA of cancelling the allotment of alternative plot at Dwarka to Shri Ram Kumar and allotment of fresh alternative plot at Narela was upheld by this Hon'ble Court after taking note of the policy decision of DDA to allot plots of land as alternative plots only in the upcoming areas and not in developed areas. In case of the present petitioner, the recommendation letter was issued by the Land and Building Department of the Government of NCT of Delhi only on 27.08.2013, much after Shri Ram Kumar. The recommendation letter was in the name of the husband of the petitioner who unfortunately had expired. Accordingly, the mutation/substitution of the name of the petitioner was made on 17.04.2015 on fulfillment of norms by the petitioner.”

18. It may be stated that in WP (C) No. 4902/2018 there was made no statement by its counsel as in the present matter. This Court, not satisfied with the aforesaid affidavit, then passed the following directions *vide* order dated 15.05.2023 and directed the respondent/DDA to file additional documents giving specific details of the Judgment pursuant to which the three allotments had been made as disclosed in the second affidavit:

“1. The learned counsel for the Respondent states that she has filed her affidavit dated 13.05.2023, in compliance with the directions issued *vide* order dated 21.02.2023. Let the same be brought on record within a period of three (3) days.

2. In the said affidavit, it is stated that three (3) plots of 80 sq. yards each, located in Dwarka, were allotted to other similarly placed Petitioners between 03.05.2013 and 21.12.2015.



3. The Respondent, Delhi Development Authority ('DDA'), is directed to file an additional affidavit giving specific details of the judgment in pursuance whereof the said three (3) allotments were made, the date of the allotments and the details of the plots so allotted. The Respondent is directed to place on record the allotment letters issued to the said three (3) allottees along with the said affidavit. The additional affidavit be filed within a period of two (2) weeks.

4. List on 04.09.2023.”

19. In the third affidavit, which is dated 01.09.2023 by Mr. Pankaj Kumar Bhagat, Deputy Director, DDA the following position was brought forth:

“4. That it is respectfully submitted that Sh. Mange Ram who is the recommendees of 80 sq. yards alternative plot in south zone filed a writ petition no 551/2012 for allotment of alternative plot. The case was disposed of vide order 05.09.2012 with direction to include his name in the next draw.

5. That it is respectfully submitted that Sh. Om Prakash who is the recommendees of 80 sq. yards alternative plot filed a writ petition no. 3206/2012 for allotment of alternative plot. The case was disposed of vide order 25.05.2012 with direction to consider his request for allotment of alternative plot.

6. That it is respectfully submitted that as per directions of the Hon'ble High Court in various court cases the competent authority fixed a mini draw for 06.05.2013 for recommendees of 80 sq. yards category. It is further submitted that the recommendees Sh. Mange Ram S/o Shri Pokhar and Sh. Om Prakash S/o Sh. Roop Chand were junior to Sh. Karan Singh S/o Smt. Ram Bai in the list of recommendees, so his name was considered in the mini draw held on 06.05.2023.

7. That it is respectfully submitted that in the mini draw held 06.05.2013, plots of 80 Sq. yards were allotted to Sh. Karan Singh S/o Smt. Ram Bai, Sh. Mange Ram S/o Shri Pokhar and Sh. Om Prakash S/o Sh. Roop Chand.

8. That it is respectfully submitted that in the mini draw held 06.05.2013, Plot no 36, Block-8, Pocket 7, Sector 23, Dwarka was allotted to Sh. Karan Singh S/o Smt. Ram Bai, Plot no 38, Block-B, Pocket 7, Sector 23, Dwarka was allotted to Sh. Mange Ram S/o Shri Pokhar and Plot no 123, Block-B, Pocket I 0, Sector 23, Dwarka was allotted to Sh. Orn Prakash S/o Sh. Roop Chand.”



20. Upon carefully examining the contents of the three affidavits submitted by the respondent/DDA, it becomes clear that the respondent/DDA has adopted evasive and shifting positions regarding plot allotments throughout these proceedings. Notably, the second affidavit reveals that 67 plots measuring 80 square meters were available in Dwarka as of 21.12.2015. It is patently clear that the respondent/DDA has flagrantly disregarded this Court's directives by failing to conduct the draw of lots within the stipulated three-month period, demonstrating blatant arbitrariness.

21. In view of the foregoing discussion, this Court hold that respondent/DDA is guilty of deliberate and wilful defiance of directions of this Court.

22. The Vice Chairman and Director (Land Disposal) of DDA shall appear personally or via video conferencing on the next date of hearing at 3:30 pm to explain non-compliance with this Court's directives and propose measures to purge contempt.

23. The present Contempt Petition stands disposed of.

24. Re-notify for appearance of the concerned officials of the respondent/DDA on 10.12.2024.

DHARMESH SHARMA, J.

DECEMBER 03, 2024

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