

(2008) 03 DEL CK 0243

Delhi High Court

Case No: Writ Petition (C) 1294 of 2007

Adarsh Rawal

APPELLANT

Vs

D.D.A.

RESPONDENT

Date of Decision: March 20, 2008**Citation:** (2008) 03 DEL CK 0243**Hon'ble Judges:** Sanjiv Khanna, J**Bench:** Single Bench**Advocate:** Richa Kapoor, for the Appellant; Neeraj Airi and Jairaj Mudgal, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Sanjiv Khanna, J.

Petitioner's husband was registered under New Pattern Registration Scheme, 1979. At the time of registration, petitioner's husband had given his address as 12/9A, Tilak Nagar, New Delhi-110018. On 13th December, 1984, petitioner's husband expired. Thereupon, the petitioner approached DDA for transfer of registration in her name. Petitioner has filed correspondence between her and DDA during the period 1985 till 1989. The correspondence shows that the petitioner had informed DDA about death of her husband and also notified change of her address. DDA has written letters to the petitioner at WZ-80, Sant Nagar, (Tilak Nagar), New Delhi-110018. Thus, the new address of the petitioner was available with the respondent-DDA. The petitioner had also submitted several letters along with affidavits, indemnity bond, etc. for transfer of mutation in her name. In addition to these letters, the petitioner also sent another letter in May, 1995 under registered post. Photocopy of the postal receipt issued by the post office has been placed on record.

2. It is the case of the petitioner that she was never intimated and informed about allotment of any flat.

3. DDA in their counter affidavit have stated that MIG flat No. 58, Ground Floor, Jehangirpuri was allotted to the husband of the petitioner in the computerized draw of lots held on 26th March, 1993. Accordingly, demand-cum-allotment letter was issued in the name of husband of the petitioner i.e. Mr. S.R. Rawal on 27th August, 1993. The address on which the said letter was issued is not stated by the DDA in their counter affidavit. It is, however, stated that the said allotment letter was issued at the address mentioned thereon but the same was returned back undelivered with postal remarks "left without address". Thereafter, on 14th July, 1997 cancellation letter was issued but the said letter was also returned back with the same remarks. Photocopy of the said letter dated 14th July, 1997 has been enclosed by DDA as Annexure R-1. The said letter was issued in the name of Mr. S.R. Rawal. Photocopy of the said letter shows that it was issued at 12/9A, Tilak Nagar, New Delhi-110018.

4. It is clear from the facts stated above that the petitioner had already informed DDA in 1984-85 about death of her husband Mr. S.R. Rawal. She had also informed DDA about change of address and the new address was communicated to DDA. DDA has also written letters during the period 1985 till 1989 at the new address. It is not understandable and defines logic why DDA did not issue allotment letter at the new address in 1994. Again in 1997, cancellation letter was issued at the wrong address. The fault is entirely of DDA. From the counter affidavit, it appears that the original file of the petitioner was lost and was not traceable and, therefore, letters were sent to wrong address. This does not help DDA as they are required to properly maintain their records. Petitioner cannot be penalized for failure of DDA to properly maintain their records. In these circumstances, cancellation of registration is not justified and cannot be sustained. Petitioner is, therefore, entitled to allotment in terms of the registration made by her husband way back in 1979. The petitioner will be allotted a flat within a period of six weeks from today and will be charged cost of the flat as per their policy. Respondent-DDA will be entitled to verify genuineness of the claim made by the petitioner before issuing allotment letter and for this purpose the petitioner will appear before Director (Housing-II) on 16th April, 2008 at 3.30 p.m. Petitioner will submit documents and other particulars, which may be required.

The writ petition is accordingly disposed of.