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

Date of decision: 6th November, 2023

+ **W.P.(C) 2802/2020, CM APPL. 9787/2020 & 7039/2021**

GOVIND SARAN SHARMA Petitioner

Through: Mr. Kasim Khan and Mr. Aman
Mirza, Advocates (M: 9873787009).

versus

DELHI DEVELOPMENT AUTHORITY

AND ANR.

..... Respondents

Through: Mr. Sanjay Katyal, Standing
Counsel for DDA & Mr. Sumit
Chander, Mr. Gurdeep Chauhan,
Ms. Mahak Dua, Advs, (M.
9999456632).

Mr. Sanjay Kumar Pathak (Standing
counsel-L&B) with Mr. Sunil
Kumar Jha, Adv. For R-2 (M.
9910770311).

Mr. Anurag Ahluwalia, CGSC with
Ms. Avshreya Pratap Singh Rudy,
Mr. Sanjay Kumar Upadhyay, Under
Secretary (MOHUA).

Ms. Nandita Rao, ASC (CrI) for
State (M: 919971479575).

Ms. Hetu Arora Sethi, ASC for
Delhi Police with Inp. Pankaj Kumar
Thakur.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Mr. Govind Saran Sharma seeking directions to the Respondents for the execution of



conveyance deed/title documents regarding a plot identified as '**No. E-66 in Malviya Nagar, New Delhi**' (hereinafter, '*subject property*'), under the Saket/South Residential Scheme, in favour of the Petitioner.

3. This Petition has been filed against Respondent No. 1-the Delhi Development Authority ('DDA'), and Respondent No. 2- the Land & Building Department ('L&BD').

4. The petition has brought to light certain disconcerting details about various properties, allegedly allotted by the DDA based on allegedly forged letters from the L&BD. These properties are spread across Delhi and are of significant value, potentially worth crores of rupees.

5. Vide order 8th May 2023, this Court directed as follows:

"7. Under these circumstances, intimation to Mr. Sanjay Lao, Standing Counsel (Criminal) has also been sent. However, no status report has been filed.

8. Considering the seriousness of this matter wherein allotment of alternate plots has been made on the ground that initially there was land which was acquired by the concerned authority, all of which has now turned out to be incorrect, it is deemed appropriate to direct the Secretary, Ministry of Housing and Urban Affairs- Mr. Manoj Joshi [email: secyurban@nic.in] [P No. 011-23062377], to hold a detailed enquiry into this matter, initially, by holding a meeting with the L&BD the DDA, Delhi Police as also any other relevant Central or State Government authorities.

9. After holding deliberations, a report shall be placed before this Court as to what action has been taken in respect of the 128 properties which are stated to have been allotted on the basis of forged documents.

10. The Petitioner is permitted to file the rejoinder in respect of all the affidavits which are filed on record.

11. The officers of the DDA are present. They shall



remain present on the next date of hearing along with the original files.”

6. The DDA has filed an affidavit dated 22nd August 2023, sworn by Mr. Pankaj Kumar Bhagat, posted as Deputy Director Lab (Res.), DDA. He is also present in the Court. As per the said affidavit, efforts were made by the DDA to obtain the status of allotment against 128 recommendation letters received from the L&BD. The DDA's stand in respect of the said allotments is as under:

“20. That as per the directions of the Hon'ble High court the details of 30 properties were identified against the 128 recommendation and a joint survey was also conducted in respect of these 30 properties to ascertain their possession status. Based on the survey report and as per available records a report has been prepared and same is attached herewith as ANNEXURE-Q (COLLY).

21. Further, as per the directions of the Hon'ble Court all efforts were made to get the status of allotment against the 128 recommendation letters received from L&B Department. The status is as under:

Sl. No.	Area of the allotment	Total no. of Plots
1.	<i>Forged, No allotment</i>	<i>53 entries</i>
2.	<i>No record found as on date</i>	<i>45 entries</i>
3.	<i>Saket</i>	<i>16 Plots</i>
4.	<i>Safdarjung</i>	<i>10 Plots</i>
5.	<i>Pitampura</i>	<i>02 Plots</i>
6.	<i>Shalimar Bagh</i>	<i>01 Plots</i>
7.	<i>Masjid Moth</i>	<i>01 Plots</i>



22. That in view of the seriousness of the allegations involved, the enormity of the loss caused, to prevent any further loss to the public Exchequer to retrieve public Land the DDA in this endeavour has proposed following action:

a. Where the land was allotted and still lying vacant - action is being initiated for taking the possession of the land, which will thereafter be disposed as per prevailing policy.

b. Where in spite of issuing withdrawal of allotment building has been constructed, action is being initiated for getting the properties vacated for taking back the possession of the land as per due process of law. In case the Lease Deed/Conveyance Deed has been executed, the same is required to be cancelled by the competent authority i.e. with the approval of Hon'ble LG /Hon'ble Court. Eviction process will thereafter be initiated under PPE Act, 1971. In addition, FIRs are also to be lodged against such fraudulent allottees.

Further in this regard the DDA has considered it appropriate to apprise the Secretary, MoHUA by means of letter dt. 21.08.2023, Copy of which is annexed herewith as Annexure R and is self-explanatory.”

7. In terms of the above order, the MoHUA was also directed to conduct an inquiry and submit a report. However, it appears that the Registry, Delhi High Court did not communicate the above order to the Secretary of MoHUA; therefore, the order was communicated again.

8. On 23rd August 2023, notice was issued once again for MoHUA and Mr. Anurag Ahluwalia, Id. CGSC was requested to accept notice. The Court, then directed that an enquiry would be conducted on the following aspects:-



8. *The enquiry to be conducted by the Secretary, MoHUA shall file a detailed report on the following aspects:*

(i) Issuance of forged allotment recommendation letters by the L&BD.

(ii) The manner in which allotment of the 128 plots was carried out.

(iii) The mode of cancellation of the said allotments, as based on the forged documents, and steps to ensure that the said allotted plots are vested back to the governmental authorities.

(iv) Identification of the officials, who were responsible for the said allotments, both in the L&B Deptt and DDA.

(v) Progress of the investigation by the Delhi Police in FIRs registered for alleged forgery and land allotments.

(vi) Recommendations on the way forward.

9. In addition to MoHUA, the Delhi Police and the DDA were also directed to place their respective status report in respect of the above aspects.

10. Today, an affidavit dated 3rd November 2023, sworn by Mr. Pankaj Kumar Bhagat, posted as Deputy Director, DDA, has been placed on record. Accompanying the said affidavit is a status report concerning the alleged forgery in the recommendation letters of 128 plots, by way of a note. As per the said note, which has been submitted, the stand of the DDA is as follows:-

- That, between 1978-1982 a list of 128 recommendations had been received from the L&BD, GNCTD.
- The said recommendations were obtained by malpractice.
- On the basis of the recommendations, some plots were also allotted.



- In respect of the Petitioner, the DDA's stand has been set out in paragraphs 2 to 6 of the said note. Upon receiving a letter dated 17th February 1981, a withdrawal of the allotment letter was issued to the Petitioner for the subject property. Subsequently, the DDA sought to confirm the authenticity of the recommendation letter for the Petitioner through various communications with the L&BD, GNCTD. On 9th December 2011, the authenticity of the letter was confirmed by the Deputy Secretary of L&B. The DDA decided to seek further confirmation of this recommendation. In pursuit of verification, an official from the DDA was assigned to verify the authenticity of the letter dated 9th December 2011.
- On this aspect, the affidavit dated 4th May 2023, filed on behalf of L&BD states that the L&BD never affirmed the authenticity of the alleged recommendation letter dated 22nd September 1979 through the subsequent letters dated 25th June 2009 and 9th December 2011, or any other correspondence. **The letters from 25th June 2009 and 9th December 2011 are claimed to be forged, and not actually signed or sent out by the listed officials.**
- Thus, an official from the DDA was assigned to verify the authenticity of the letter dated 9th December 2011. A report was submitted on 13th July 2012, which included a copy of a letter from the L&BD dated 21st June 2012, requesting the Delhi Police to file an FIR against the issuance of forged letters, including the one dated 9th December 2011.
- Insofar as the remaining 128 properties are concerned, the status is as



under:-

C. Action taken by DDA so far: -

1. After receipt of court order dt. 20.02.2023; 08.05.2023 concerted efforts were made by DDA to ascertain the status of various recommendation in these cases with the following outcomes:

i. A register, which is maintained for making entries of alternative allotments of plots, was examined whereupon it was found that in 53 cases out of list of 128, no allotment was made.

ii. Apart from this the file numbers mentioned in the said register for alternative allotment were noted and the respective files were searched. Several lists of draw of alternative allotments were also checked from which some more properties details were obtained and the respective files were also searched.

iii. 26 files could be searched from the record room/dealing assistant charges.

2. After making the efforts mentioned above, detailed bifurcation of the list of 128 recommendations is as under: -

Sl. No.	Area Of The Allotment	Total No. Of Plots/Entries
1.	<i>N.A. (Forged recommendations hence, No Allotment made)</i>	<i>53 cases</i>
2.	<i><u>N.A. (No record found till date and no recommendation letter found noted in the register)</u></i>	<i>42 cases</i>
	Total	95 Cases
	<u>Status of Balance 33 Cases</u>	
3.	Saket	16 Plots
4.	Safdarjung	10 Plots



5.	<i>Pitampura</i>	<i>03 Plots</i>
6.	<i>Shalimar Bagh</i>	<i>02 Plots</i>
7.	<i>Friends Colony</i>	<i>01 Plot</i>
8.	<i>Masjid Moth</i>	<i>01 Plot</i>
	<i>Total</i>	<i>128 Cases</i>

2. Thereafter, out of total 128 recommendations, it was noticed that in 33 cases properties were allotted as reflected at Sl. Nos. 3 to 8 in the table above.

3. A joint survey comprising representatives of the LD Department and Survey Wing of DDA was undertaken to ascertain the ground situation of the plots/properties in these 33 cases was also undertaken, the outcome of which is enclosed at **Annexure – 9**. The same is also summarised in the succeeding para.”

11. Thus, in this status report, out of 128 cases, as per the DDA:
- in respect of 53 cases, no allotments were made as the L&BD's letters of recommendation were forged;
 - in respect of 42 cases, records are not traceable;
 - in respect of 33 cases, allotment letters have been withdrawn as of October-November, 2023 as the recommendations are forged;
 - In some cases, possession of the property has been taken;
 - In some cases, letters dated 10th September, 2023 and 4th October, 2023 have been sent to L&BD to ascertain the genuineness of these recommendation letters.
12. The status of the 33 properties as per the DDA is set out below:-



(i) Cases where withdrawal letters have been issued: -

Sl. No.	Plot No.	Area	Status	Action
1	E-66 Saket	125.00 Sq. Yds	Vacant	Vacant and DDA Signboard Exists at the site
2	E-62, Saket	104.512 Sqm		
3	B-4/189A, Safdarjung	104 Sqm		
4	B-4/187A Safdarjung	104 Sqm		
5	B-4/241, Safdarjung	126 Sq. Mtr.	Vacant	Instruction have been forwarded to the concerned Engineering division of DDA for making boundary at the site.
6	E-71, Saket	104.515 Sqm		
7	G-60, Saket	125.00 Sq. Yds		
8	HU-84, Pitampura	207 Sqm.	Constructed	<u>Letter dt. 10.09.2023 & 04.10.2023 forwarded to L&BD for verification of Recommendation letter & confirmation letter received from L&BD to re-ascertain the genuineness of both these letters, given the vexed trajectory of recommendations in these cases.</u>
9	E-111, Saket	150 Sq. Yds.		
10	B-2/1-B, Safdarjung	326.24 Sqm.		
11	BH-116, Shalimar Bagh	126 Sqm		



12	G-51, Saket	125 sq.yds	Constructed	Plot re-allotted by DDA to some other entity and hence no action needed.
13	B-4/183-B Safdarjung	104 Sqm.		Re-allotted via auction as per record and hence no action needed.
14	B-3/79, Safdarjung	104 Sqm		
15	J-120 Saket	126 Sqm.	Constructed	No further allotment as per records.
16	E-99, Saket	150 Sq Yds		No further allotment as per records.
17	G-56, Saket	104.512 Sqm		No further allotment as per records.
18	B-3/84, Safdarjung	126 Sqm.	Constructed	No further allotment as per records.
19	E-64, Saket	104.512 Sqm		In this case, withdrawal was made but lease was not determined, therefore, at first instance lease need to be determined. Thereafter, eviction proceedings will be initiated.

(ii) Cases where withdrawal letters have not been issued: -

Table 2				
Sl. No.	Plot No.	Area	Status	Action
1	B-3/92, Safdarjung	104.00 Sqm		Property Details obtained from the Draw list & Part File.
2	B-4/186-B,	104.00		



	Safdarjung	Sqm		
3	B-5/47-B, Safdarjung	103.88 Sqm	Vacant	Further, as per entries in the property register, No further allotment has been made.
4	G-76, Saket	125 Sq. Yds.		
5	C-17, Masjid Moth	504.00 Sqm	Constructed	<u>Letter dt. 10.09.2023 & 04.10.2023 forwarded to L&BD for verification of Recommendation letter & confirmation letter received from L&BD to re-ascertain the genuineness of both these letters, given the vexed trajectory of recommendations in these cases.</u>
6	TU-42, Pitampura	151.20 Sqm		
7	G-47, Saket	104.512 Sqm		
8	E-61, Saket	104.512 Sqm	Constructed	Re-allotted as per the report of Prog. Assist. Property file not available.
9	BK-21, Shalimar Bagh	166 Sqm	Constructed	Mismatch in the File No. and Report obtained from Prog. Assist. The aspect is being examined.
10	E-101, Saket	150 Sq.Yds.	Constructed	Property Details obtained from the Draw list & Part File. Further, as per entries in the property register, No further allotment.
11	J-116, Saket	150 Sq.Yds.		
12	G-58, Saket	125 sq.yds		
13	FIU-3, Pitampura	159.66 Sqm	Constructed	Re-allotted via auction as per the report received from Prog. Assist.
14	B-57,	314 Sq.	Under	No further allotment as per



	Friends Colony	Yds.	construction	record.
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13. In the said status report, certain course of action has been proposed by the DDA.

14. A status report, dated 4th November 2023, has also been filed by the MoHUA. As per the said affidavit of Mr. Surya Narayan, Under Secretary, the Secretary, MoHUA is stated to have conducted meetings with all concerned officials. Broadly speaking, the said report does not indicate that any independent inquiry has been conducted; it merely relies upon information received from the DDA and paraphrases the said information.

15. However, one thing is certain i.e., that all these allotments were made on the basis of forged recommendations. The recommendations of the MoHUA for the way forward, is as under:-

“E. Issue (vi) Recommendations on the way forward.

a) It is submitted that to ensure that such incidents do not get repeated in the future, every recommendation letter for alternative allotment received from Respondent No. 02, must be being reconfirmed from the L&B Department of Respondent No. 01.

b) It is submitted that apart from completing the actions as provided for in Table situated at Para B (b)(iii) above in the instant Report. Respondent No. 01 has been directed to get the cases referred for eviction under Public Premises Act, 1971 expeditiously and to take further necessary action for eviction forthwith.

c) It is submitted that Respondent No. 01 has been directed to conduct a thorough search for locating the relevant records for the remaining 42 cases so as to state with finality the status of these remaining plots.”



16. A vigilance inquiry is also stated to have been ordered by the DDA as well. Insofar as Delhi Police is concerned, the DDA has sent several communications to the Delhi Police. However, it was only on 3rd November 2023, that the FIR was registered, and certain documents were requested.

17. A Status Report has also been filed by the Delhi Police, which states as follows:

- Following the order dated 23rd August 2023, a letter requesting an FIR was received at the KM Pur Police Station from the DDA on 29th September 2023. Meanwhile, on 22nd September 2023, the KM Pur Police Station received another letter from the Deputy Director of LAB (R), DDA, inquiring about the status of an FIR against 128 fraudulent allottees. This letter was returned to the DDA on 27th October 2023 due to the absence of a proper complaint.
- A fresh complaint was received on 28th October 2023 at the Kotla Mubarakpur Police Station, New Delhi, from Sh. Pankaj Kumar Bhagat, Deputy Director LAB (R)/DDA. The complaint pertained to the commission of an offense under the IPC, related to the allotment of alternative plots in Delhi. Thereafter, on 1st November 2023, Sh. Pankaj Kumar Bhagat's complaint was transferred to the EOW (Economic Offences Wing) in New Delhi for further action.
- Based on this complaint, an FIR No. 85/2023 was registered at the EOW under various sections of the IPC, and an investigation is underway. The DDA has been requested to provide original documents for forensic analysis to determine if any forgery occurred.



18. It is clear to this Court that none of the authorities have taken any earnest action in respect of such a serious matter. The petition reveals that prime properties in South Delhi and other areas have been allotted by the DDA based on forged recommendation letters issued by the L&BD. The said original allotments date back to 1980s, as is clear from the letter dated 17th February, 1981 which is part of the writ petition. The said letter signed by Mr. Bansi Dhar, then Joint Secretary, L&BD New Delhi, is captured below:-

*“To
Shri K.L. Bhatia,
Commissioner (Lands),
Delhi Development Authority,
New Delhi.*

Sub: Allotment of alternative plots by DDA-Enquiry into certain, alleged Malpractices in the issues of recommendation-Rg.

Sir,

*I am directed to refer to your D.O. letter No. F. 1/3/80- C (L) dated 12/11/80 addressed to Sh. D.S. Mishra, Secretary (L&B) on the above subject and to say that **in the list supplied, 721 cases have been mentioned and out of this, this file No. F32/5/13/79-2764 dated 30/1/80 has been mentioned twice at Sr. No. 242 and Sr. No. 243 and in effect only 720 cases are found in the list.***

While tracing out these files in this department it was detected that in 128 cases (list enclosed) no files had even been opened by this department and hence there is no question of sending recommendation letters to you. The letters, therefore, appear to be forged and hence the matter has been referred to Vigilance Department Delhi Admn. / D.C.P. (Anti Corruption) for detailed probe and action in accordance with law** In these cases, I am to request not to make any allotment or to execute sub-lease and in case allotment, if any, has already, been made this should be revoked. **In about 38 cases other



than the above 128 cases, files are not readily traceable (list attached). Efforts are being made to trace out the above files and meanwhile no action need be taken in these cases and they may be kept in abeyance. All cases other than the cases referred to above are under scrutiny and confirmation letters are being issued separately. Therefore no action in these cases need be taken till the recommendations are confirmed by the Land & Bldg. Department under the signature of the Secretary or Joint Secretary (L&B).

Yours faithfully,

Sd/-

(BansiDhar)

Jt. Secretary (L&B)”

19. A perusal of the above information shows that there were a total of 720 cases in which L&BD raised some suspicions. In 128 of these cases, the L&BD confirmed that no recommendation letters were sent to the DDA. The letters were, therefore, said to be forged.

20. The L&BD is stated to have referred this matter to the Vigilance Department, Delhi Administration, DCP, Anti-Corruption. However, it appears that the L&BD did not follow up on the Vigilance Department's inquiry, and there is nothing on record indicating whether any action was taken following this referral.

21. Apart from the 128 cases, there are 38 more cases where the files are not traceable. Consequently, there are a total of 166 cases where the recommendations are stated to be forged. At this stage, it has been also stated by the Id. Counsel for the DDA that 53 properties were not allotted, and hence only 113 cases exist where the recommendation letters have been



forged. To date, the DDA has only been able to trace 33 out of 113 properties.

22. Even out of the said 33 properties, 11 properties are vacant, however, the remaining have been developed and constructed. For the last more than 40 years, DDA has not taken any concrete steps to get back the possession of these properties.

23. Certain steps are stated to have been taken after the Court has taken cognizance of the situation, and has passed strict directions. However, the action taken by the authorities till now is clearly not satisfactory.

24. Mr. Katyal, Id. Counsel has emphasized that the DDA is taking these matters seriously. Day to day tracing of records and steps to reclaim possession are underway. According to him, Vice Chairman, DDA has accorded topmost priority to this matter.

25. Considering the gamut of issues and authorities involved, there has been no follow-up by either the L&BD, GNCTD or the DDA. The MoHUA has also not taken any action despite two orders from this Court. The value of these properties, even at an average price, would be in thousands of crores, as it involves a total of 166 properties out of which it is stated by DDA that 53 recommendations did not result in allotments. Thus, there are at least 113 properties located in Saket, Safdarjung, Pitampura, Shalimar Bagh, Friends Colony, Masjid Moth and other prime locations. The said plots exceed 100 sq. yards, with some plots spanning more than 300 sq. mtrs., 500 s. mtrs. and so on. Such plots are extremely valuable and the price of each plot would run into crores. The total value of these properties even by conservative estimates could be over Rs. 2000 crores.

26. The DDA ought to continue with action to withdraw the allotments



and taking possession of these properties underlying forged recommendation letters. However, officials guilty for these allotments and the beneficiaries of these allotments should not be allowed to escape without consequences for having relied upon forged letters. Moreover, there is an immediate need for technological solutions to be implemented within the DDA for allotments of these plots, ensuring that forgeries do not become the basis for allotments. According to Mr. Katyal, Id. Counsel submits that the DDA currently has a transparent mechanism in place. If so, let an affidavit be placed on record to that effect before the next date of hearing.

27. In respect of the above, let an updated status report be filed by the DDA and the MoHUA, if so advised.

28. On the next date of hearing, Id. Counsel to make the submissions as to why this entire matter ought not to be referred to the Central Bureau of Investigation (CBI) for further investigation and inquiry to proceed in accordance with law, or whether the investigation in the present matter should be continued by the EOW, Delhi Police.

29. The DDA shall also immediately issue instructions to the concerned Sub-Registrars giving the complete list of 128 properties, so as to ensure that no further third-party interest is created in any of these 128 properties. No further sale should also be permitted.

30. Copy of this order be communicated to the Chief Secretary, GNCTD for compliance by all Sub-Registrars. List on 12th December, 2023.

PRATHIBA M. SINGH
JUDGE

NOVEMBER 06, 2023

mr/dn