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

Date of decision: 18th March, 2024

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

GOVIND SARAN SHARMA Petitioner

Through: **Mr. Kasim Khan & Mr. Aman Mirza.**
(M.9873787009)

versus

DELHI DEVELOPMENT AUTHORITY

AND ANR.

..... Respondents

Through: **Mr. Sanjay Katyal, Standing counsel DDA along with Mr. Sumit Chander, Mr. Gurdeep Chauhan, Ms. Mahak Dua & Amit Agarwal Adv. and Mr. Kuldeep Kumar, Director & Pankaj Bhagat Dy. Director DDA. (M: 8595468935)**

Mr. Sanjay Kumar Pathak Standing counsel with Mr. Sunil Kumar Jha Mr. M.S. Akhtar, Adv. Alongwith Mr. Manbinder Singh, Dy. Secretary Alt. L&B Department. (M: 9910770311)

Ms. Hetu Arora Sethi ASC GNCTD with Ms. Kavita Nailwal, Adv. with Inspector Bharat Bhushan. (M: 9810368590)

Mr. Ripudaman Bhardwaj, CGSC (Counsel for CBI)

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



Secretary (MOHUA)

CORAM:
JUSTICE PRATHIBA M. SINGH

JUDGMENT

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.

Background

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 (*hereinafter, 'the Scheme'*), in favour of the Petitioner.

3. The present petition has been filed against Respondent No. 1-the Delhi Development Authority (*hereinafter, 'DDA'*), and Respondent No. 2-the Land & Building Department (*hereinafter, 'L&BD'*). The petition has brought to light certain alarming details about various properties, 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.

4. As per the petition, on 22nd September 1979, the Petitioner was allotted an alternative plot measuring 150 square yards as part of the mentioned Scheme. The Petitioner deposited Rs. 2,000/- on 17th October 1979, which was acknowledged by the DDA. Thereafter, as per the petition, the DDA requested the Petitioner to submit an affidavit regarding the allotted plot in a letter dated 21st November 1979. A letter sent on 7th August



1980 informed the Petitioner about the draw of a specific plot number and the dates and times related to it, asking the Petitioner to attend. On 28th August, 1980, the Petitioner was directed to deposit Rs. 7,626.10/-, which he did, and this was acknowledged by the DDA on 4th October 1980.

5. The Petitioner was thereafter informed about the possession of the subject property vide letter dated 31st October, 1980, asking the Petitioner to be present at the DDA site office on 21st November, 1980, for handing over the possession of the subject property. Upon following up on the letter dated 31st October, 1980, for taking possession of the allotted plot, as per the petition, the Petitioner was asked to pay a bribe by the DDA, which the Petitioner refused. Subsequently, when the Petitioner made contact again, he was informed that his allotment *qua* the subject property had been cancelled. Subsequently, the Petitioner discovered that the cancellation of the said allotment was made under the name 'Govind Ram', which was incorrect, as the Petitioner's actual name was 'Govind Saran Sharma', and not Govind Ram, as falsely stated by the officials of the DDA.

6. The petition further states that a letter from Mr. Bansi Dhar, Jt. Secretary (Land & Building Department), dated 17th February 1981, addressed to Mr. K.L. Bhatia, Commissioner of DDA, highlighted inquiries into alleged malpractices involving the recommendation process for allotment of alternative plots. The letter revealed that in 128 cases, files had not even been opened, thus there was no basis for sending recommendation letters for those properties. This suggests that some recommendation letters might have been forged. Consequently, the matter was referred to the Vigilance Department and the DCP (Anti-Corruption) for a detailed investigation. As a result, the Petitioner's allotment has come under scrutiny



by the said authorities.

7. Since 1979, the Petitioner claims that he has persistently sought to address his grievances regarding the allotment of a plot by the DDA and the L&BD. Despite these efforts, according to the Petitioner, the allotment has been acknowledged but unresolved issues persist. Thereafter, despite interventions by various authorities, the resolution of the Petitioner's grievances remained elusive. Correspondence and communication from various DDA departments and government officials through 2008 to 2012 oscillated between acknowledging Petitioner's legitimate claim over the subject property, attempting to correct the name discrepancy (from Govind Ram to Govind Saran Sharma), and assuring action against illegal constructions on the said plot over the subject property.

8. A response under the Right to Information Act, 2005 (*hereinafter, 'RTI Act'*) dated 1st April, 2014, from the Deputy Secretary (Record) of the Central Record Room, L&BD, stated that despite efforts, the relevant file (concerning the Petitioner's allotment) was not found. Thereafter, between 2019 and 2020, the Petitioner made several representations to both the Hon'ble Lt. Governor and the Principal Secretary of the Land & Building Department, seeking an alternate allotment for the subject property. Thus, the present petition came to be filed by the Petitioner seeking directions to the Respondents to execute conveyance deed/title documents in respect of the subject property, in favour of the Petitioner.

9. Notice in the present petition was issued on 13th March, 2020. Pursuant to order dated 22nd February, 2021, the L&BD filed their counter affidavit on 13th March, 2021, and the DDA filed its counter affidavit on 21st June, 2021.



10. The counter affidavit filed by the L&BD challenges the Petitioner's claim based on a recommendation letter dated 22nd September 1979 for the allotment of a plot by the DDA. According to the L&BD, such a recommendation letter was never issued, as no file corresponding to the alleged recommendation was ever opened, indicating the letter was forged. Furthermore, the counter affidavit asserts that the Petitioner was allegedly aware of a letter from the L&BD to the DDA, dated 17th February, 1981, which listed 128 cases where no files were opened. This suggests that no legitimate recommendation letters were issued and that any existing ones were forged. On the other hand, the counter affidavit filed by the DDA, dated 21st June 2021, states as follows:

“4. It is submitted that a recommendation letter was received from Land & Building Department/Respondent No. 2 vide letter dated 22.09.1979 for allotment of alternative plot in South Zone under the Scheme of large scale Acquisition in favour of Shri. Govind Saran Sharma S/o Shri Roop Kishore Sharma. That thereafter the Answering Respondent/DDA allotted a plot bearing No. E-66, Malviya Nagar Extension to the petitioner on the basis of recommendation letter received from Land & Building Department. A Letter dated 31.10.1980 was issued to the Petitioner for taking possession of the abovementioned plot on 21.11.1980.

5. It is respectfully submitted that thereafter, the Answering Respondent/DDA received a letter dated 17.02.1981 from Land & Building Department/Respondent No.2 intimating about obtaining of recommendation letter by using malpractice. That it is pertinent to mention over here that the Petitioner was also in the list enclosed along with the aforesaid letter.

6. That the answering Respondent/DOA respectfully



submits that after receiving the letter dated 17.02.1981 from the Respondent No.2 the Answering Respondent vide letter dated 06.05.1981 issued notice of withdrawal/cancellation of allotment of plot No. E-66, Malviya Nagar Extension. That the said Notice was challenged by the Petitioner in a Civil Writ Petition No. 1529/1981 filed before this Hon'ble High Court and same was disposed of on 10.12.1984. That the order dated 10.12.1984 read as under:...

...

7. That Answering Respondent/DDA respectfully submits that after the disposal of writ petition, Answering Respondent issued letters to Land & Building Department/ Respondent No.2 with request to confirm the genuineness of the recommendation letter 22.9.1979. That thereafter the Respondent No.2 vide letter dated 09.12.2011 confirmed the genuineness of the recommendation letter dated 22.09.1979.

8. That the Answering Respondent/DDA submits that after the receipt of the letter dated 09.12.2011 from Respondent No.2, the Answering Respondent deputed Assistant Director (LA) Residential/DDA to verify the letter dated 09.12.2011. That in response to that Assistant Director (LA) Residential/DDA submitted his report dated 13.07.2012 and placed on record a copy of letter from DS (ALT) Land & Building Department/ Respondent No.2 dated 21.06.2012 addressed to SHO-I.P. Estate requesting therein to lodge and FIR and book the culprits for issuance of letters dated 14.03.2011, 26.05.2011, 09.12.2011 and 25.06.2009 purported to have been issued to DDA, but not existing in the files, as the officers had denied their signature on the said letters.

9. That the Answering Respondent submits that thereafter various letters dated 20.07.2017, 19.09.2017 and 21.11.2020 were written to the Respondent No.2 requesting to examine and to confirm whether the said



recommendation is genuine and valid till date and the reply of the said letter is still awaited.”

11. On 20th February, 2023, the Petitioner asserted that the DDA allotted the subject property to him and thus seeks execution of a conveyance deed and title documents for the said property. The Id. Counsel for the L&BD stated that the recommendation letter used for the allotment was forged. However, as per the above counter affidavit, the DDA clarified that although the L&BD initially claimed the recommendation letter to be forged, they later acknowledged it as genuine. This discrepancy forms the crux of the present petition between the Petitioner and the different authorities questioning the legitimacy of the Petitioner’s allotment. Thus, vide order dated 20th February, 2023, this Court issued the following directions:

“8. In view of the aforementioned circumstances, it is directed as follows:

- (i) The DDA and the L&BD shall produce their original files in respect of the subject property;*
- (ii) An affidavit shall also be filed by the DDA and the L&BD giving the details of all the officials under whose signatures the relevant letters are stated to be issued who were working in their respective departments and their present position;*
- (iii) the DDA shall file copies of all the letters relied upon by it in its counter affidavit in support of the plea that the L&BD had confirmed that the recommendation letters are genuine;*
- (iv) the concerned official i.e. Shri. Prashant Prasad, who has deposed the counter affidavit on behalf of the DDA shall also obtain the status of the alleged FIRs which have been lodged, as mentioned in paragraph 8 of the counter affidavit;*
- (v) the L&BD and the DDA shall place on record the complete list of 128 properties which are stated to have*



been allotted to various persons on the basis of forged L&BD recommendations and the persons who are currently in possession of these properties;
(vi) the concerned officials from the L&BD and the DDA shall be present in Court on the next date of hearing;
(vii) the Petitioner and the power of attorney holder shall also be present in Court on the next date of hearing;
(viii) the SHO, PS - Saket Malviya Nagar shall place on record a report as to who is currently in possession of the subject property.”

12. In compliance of the order dated 20th February, 2023, L&BD filed the affidavit dated 4th May, 2023. The said affidavit is mostly a repetition of the previous affidavit filed by the L&BD,. It is stated that for 19 years, there was no communication from either the Petitioner or the DDA about the said plot's status until the DDA sought confirmation of the recommendation letter's authenticity in 2008, which the L&BD couldn't confirm due to the absence of any record. Further, letters dated 25th June, 2009 and 9th December, 2011, claimed to be issued by Additional Secretary (L&B) and Deputy Secretary, respectively, allegedly confirming the recommendation letter's genuineness, are claimed to be forged. The steps taken by L&BD, include an order for registration of an FIR by the Principal Secretary (L&B), and the matter was referred to the SHO, PS IP Estate, for investigation.

13. On 8th May 2023, considering the seriousness of this matter, where alternate plots were allotted under the premise that the land had been acquired by the concerned authority—which was found to be incorrect—this Court directed the Secretary of the Ministry of Housing and Urban Affairs (*hereinafter*, 'MoHUA') to conduct a detailed enquiry into this issue.



Further, it was directed that a report detailing the actions taken in respect of the 128 properties, which are alleged to have been allotted based on forged documents, shall be submitted.

14. DDA's affidavit dated 22nd August, 2023 disclosed further disconcerting details about the extent of forgery of recommendation letters in respect of properties situated in South Delhi. As per the said affidavit, efforts were underway to ascertain the status of the allotment against the 128 recommendation letters (following up from the letter dated 17th February, 1981) The said affidavit states as follows:

“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:

<i>SI No.</i>	<i>Area of the allotment</i>	<i>Total no. of Plots</i>
<i>1</i>	<i>Forged, No allotment</i>	<i>53 entries</i>
<i>2</i>	<i>No record found as on Date</i>	<i>45 entries</i>
<i>3</i>	<i>Saket</i>	<i>16 plots</i>
<i>4</i>	<i>Safdarjung</i>	<i>10 plots</i>
<i>5</i>	<i>Pitampura</i>	<i>02 plots</i>
<i>6</i>	<i>Shalimar Bagh</i>	<i>01 plots</i>
<i>7</i>	<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 Ex chequer 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.”

15. Vide order dated 23rd August, 2023, this Court directed the Secretary, MoHUA to file a detailed status 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.”

16. In response to the said order, the DDA filed an affidavit, the MoHUA filed a status report, and the Assistant Commissioner of Police, Economic Offences Wing (EOW), New Delhi, filed a status report, all dated 4th November, 2023. After perusing through all the said affidavits and status report filed by various agencies, on 6th November, 2023 this Court noted as follows:

“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.**

...

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.**

...



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.”

17. After perusing through the different status reports filed by the different agencies vide order dated 6th November, 2023, it was revealed to the Court that out of 720 cases scrutinized by the L&BD for irregularities, 128 were confirmed to have no recommendation letters sent to the DDA, suggesting forgery. Despite referring the matter to the Vigilance Department and the DCP Anti-Corruption, there was no follow-up, leaving the outcome of any investigations unclear. Further, there are 38 cases with untraceable files, totalling 166 cases of alleged forgery. The DDA acknowledges that in



53 of these cases, no properties were allotted, reducing the attention to 113 properties. Of these, it stated that the DDA has identified **only 33 properties**; 11 remained vacant, while the rest have been developed. Over four decades, this Court is of the opinion that the DDA has not been able to successfully reclaim these properties. Thus, on 6th November, 2023, this Court directed as follows:

“ 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, ld. 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, ld. 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.**”

18. Subsequent to the above order, Asstt. Commissioner of Police filed another status report dated 5th December, 2023. The said report states that the investigation suggests the potential involvement of government officials, and thus the provisions of the Prevention of Corruption Act, 1988 (*hereinafter, 'PC Act'*) would be attracted. However, initiating investigation and prosecution under the PC Act requires sanction from a competent authority, which would be sought as necessary. Another status report dated 12th December, 2023 was filed by the DDA. The said report was considered vide order dated 12th December, 2023 and the following directions were issued *qua* each of the item mentioned in the status report, in the following terms:



“8. The Court has perused the status report placed on record and directs the DDA and other authorities to comply with the following:

Relevant extract of the status report	Directions
<p>“4. That this Hon'ble Court categorically instructed the DDA to continue with action to withdraw the allotments and take possession of these properties (128+ 38) underlying forged recommendation letters. It is submitted that an affidavit in respect of the 33 properties found out of the total 128 recommendations was filed by DDA before the last date of hearing in the instant matter. After that in continuation of the same, the following progress has been made in respect of these 33 properties:</p> <p>(a) Property No. B-57, Friends Colony: As mentioned in the report filed in the court earlier it is submitted that notice was pasted on the property no. B57, Friends Colony to get the details of allotment vide this office letter dated 20th October 2023. On receipt of the notice, the owner of the property visited DDA along with original documents of the property. On scrutinising the documents,</p>	<p>(i) In respect of the properties as mentioned in paragraph 4(a) & (b), the L&BD shall reply within one week. Upon receiving the reply from the L&BD, the DDA shall take further action in accordance with law.</p>



it was found that the current purchaser has bought the plot from the legal heirs of Bhram Swarup purchaser has bought the plot from the legal heirs of Bhram Swarup, the original allottee / recommendee of the plot and the conveyance deed was -executed in 2018. It was further revealed that Land and Building department has verified / confirmed the original recommendation letter on two occasions vide their letters dated 15.01.1985 and 30.03.1988. Accordingly, a letter has been sent to Land and Building Department to verify the genuineness of these confirmation letters vide letter dated 21.11.2023 of this office to enable DDA to decide the future course of action. Response from Land and Building Department is awaited.

(b) Out of the total 33 properties, in 8 cases 'confirmation of recommendation letters' have been found and Land and Building Department has been requested vide letters dated 04.10.2023,



<p><i>09.10.2023 and 30.10.2023 of this office to verify these confirmation letters to enable DDA to further act upon the directions of the Hon'ble High Court. A reminder in this regard has also been sent on 21.11.2023. Response from Land and Building Department is awaited. Copy of the letter dated 21.11.2023 is annexed hereto as Annexure-II.”</i></p>	
<p><i>(c) “It was submitted before the Hon’ble Court that 11 properties were found vacant and out of these 11 properties on 4 properties DDA board existed. In the rest of the 7 properties DDA signage board have been placed and possession of these plots has been taken physically. A list of these 7 properties has been attached as Annexure -III”</i></p>	<p><i>(ii) Insofar as paragraph 4(c) is concerned, it is submitted that signage has been placed in respect of seven properties. On a query from Court, Mr. Pankaj Kumar Bhagat, an official from DDA, who is present in Court, submits that the boundary wall is to be erected on these properties. Let the boundary wall in respect of these 7 properties mentioned in Annexure III be erected, and photographs of the same be placed on record.</i></p>



<p>(d) "Further in respect of 2 properties (G-58 Saket and J-120 Saket) demolition was planned however the same could not be carried out due to the GRAP-III restrictions placed in view of the worsened air quality in Delhi. Recently, these restrictions have been relaxed, as such, the demolition program wrt these properties in under progress and is 'likely to be completed within second week of December, 2023'."</p>	<p>(iii) Insofar as the two properties in paragraph 4(d) are concerned, let the demolition action be undertaken in accordance with law by the DDA.</p>
<p>(f) Further an FIR in this matter has already been lodged with EOW to investigate the matter. Complete records in respect of 33 properties were sent through email on 21.11.23 and the physical copy of the allotment letters and recommendation letters as per available records, were also sent to EOW on 30.11.2023. Copy of the letter dated 30.11.2023 is annexed hereto as Annexure:- IV"</p>	<p>(iv) Insofar as paragraph 4(f) is concerned, let the information sought for by the Economic Offence Wing ('EOW') be submitted by the DDA within two weeks to the EOW.</p>
<p>(g) With respect to the additional 38 cases referred in the Land and Building department letter no. F.15/210/80L&B-7352</p>	<p>(v) Insofar as the paragraph 4(g) is concerned, the L&BD shall again reply to the DDA within one</p>



<p><i>dated 17.02.1981 wherein it is mentioned that 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 to be taken in these cases and they must be kept in abeyance". In this regard it is submitted that the Land and Building department vide this office letter dated 29th November, 2023 has been requested to confirm the genuineness of recommendation letter issued in respect of 38 recommendations 'including these 18 properties'. Meanwhile, these independent files are being scrutinised to find out the details of allotments and also rest of the properties files are being searched in the office records. Copy of the letter dated 29.11.2023 is annexed as Annexure V</i></p>	<p><i>week.</i></p>
<p><i>(h) In case of 5 properties, i.e. G-56, J-116, E-101, E-99 Saket and B-3/84 SDA proceedings under PP Act, 1971 have been initiated.</i></p>	<p><i>(vi) Insofar as paragraph 4(h) is concerned, let verification of the documents, in respect of these properties take place. Further, if it is found</i></p>



	<p><i>that the same are based on the forged recommendation, action in accordance with law for cancellation shall be taken.</i></p>
<p><i>(i) The file pertaining to Plot No.E-64, Malviya Nagar Extn (Saket) DDA to cancel the lease deed of plot (in individual file) has been initiated and after cancellation of lease deed the case may be referred to Estate Officer to initiate the proceedings under P.P. Act to resume the possession of plot after due process of law.</i></p>	<p><i>(vii) Insofar as paragraph 4(i) is concerned, let further status report be placed on record before the next date of hearing. In order to enable the authorities to take a comprehensive decision, orders passed by this Court in this Petition, shall be placed before the Competent Authority along with the relevant files.</i></p>
<p><i>5. That this Hon'ble Court in its order dated 06.11.2023 directed that the 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. In this regard it is submitted that the information relating to 33 properties and 26 file available</i></p>	<p><i>(viii) Insofar as paragraph 5 is concerned, the names of the officers against whom the disciplinary proceedings are to be initiated have not been mentioned. Let the same be mentioned in the next status report, placed</i></p>



<p><i>have been sent to Vigilance Department DDA on 16.11.2023 for investigating the matter and to initiate 'appropriate disciplinary proceedings' against the officials involved in this case, if the officials of DDA were found responsible for the misconduct. The matter is being investigated for identifying the delinquent officials, if any.</i></p>	<p><i>before this Court, before the next date of hearing.</i></p>
<p><i>17. That this Hon'ble Court vide order dated 06.11.2023 also directed the DDA to 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. In this regard, DDA humbly submits that these are not 128 properties, but 128 recommendations received. Out of these 128 recommendations, in 53 cases no allotment was made, as found recorded in a register maintained for recommendation letters. Out of remaining 75 recommendations, only 33 properties have been found allotted. <u>Out of these 33 properties, in case of 3 properties allotment made on the basis of recommendation</u></i></p>	<p><i>(ix) Insofar as paragraph 17 is concerned, the details of the auction purchaser of the three properties and the sale consideration received thereof, shall be placed on record by the next date of hearing.</i></p>



letters were cancelled and thereafter these properties were auctioned to H1 bidder, after following the due procedure.

Therefore, stopping creation of third part interest in these cases would not be fair. In case of rest of the 30 properties (including 3 properties in which after cancellation of allotment made on the basis of recommendation letters, properties were reallocated to other persons on alternative allotment basis and 11 properties where DDA has taken over the possession physically) letters have been duly sent to Sub-registrars and Concerned District Magistrates vide letter dated 28.11.2023 with request to ensure not to register any GPA/ATS/Sale Deed in respect of these 30 properties. Copy of the letter sent to all the Sub-registrar and district magistrate is annexed here to as Annexure-VIII.

”

19. Subsequent to order dated 12th December, 2023, different authorities (except MoHUA) vide their respective status reports stated as under:

Salient points from the L&BD's status report dated 10th January, 2024:

- Vide letter dated 23rd November, 2023, L&BD responded to DDA's request for all correspondence regarding the allotment of plots based on 128 forged recommendation letters. L&BD informed DDA that its request lacked specific details such as document numbers, dates, and



issuing authorities. Consequently, L&BD asked DDA to provide these details to facilitate further processing of the matter.

- Vide another communication dated 23rd November, 2023, in response to DDA's request to verify the genuineness of recommendation letters for the allotment of plot No. C-17, Masjid Moth, L&BD noted that DDA had not provided the necessary recommendation letter, confirmation letter(s), or the High Court order dated 8th October, 1980 required for L&BD to examine the case. L&BD requested DDA to supply the said documents for further action.
- On 7th December, 2023, the Additional Chief Secretary (L&B) appointed Shri Pramod Tanwar, Section Officer (L&B), as the inquiring authority. The concerned official was tasked to ascertain the issuance of recommendation letters by the L&BD to the DDA for the remaining 43 cases, and to identify any lapses by L&BD officials in these cases. The inquiry report is awaited.
- The Deputy Secretary (Vigilance) of the L&BD forwarded the Court's order to the Assistant Director (Vigilance) at the Directorate of Vigilance, Government of NCT of Delhi, on 7th December, 2023. The said communication included directions for an inquiry to ascertain any involvement of L&BD officials and to identify those potentially involved. The said communication follows another letter dated 27th October, 1980 issued by the L&BD, wherein the matter was initially referred to the Directorate of Vigilance, GNCTD, requesting a detailed investigation by the Anti-Corruption Branch.



DDA's status report dated 12th January, 2024:

- Having issued letters dated 4th October, 2023; 9th October, 2023, 30th October, 2023; 21st November, 2023; and 8th January, 2024, no specific reply has been received from L&BD in these cases in absence of which DDA is not able to take further action.
- For 7 properties provided in Annexure III, boundary walls have been erected on 4 properties, while the remaining 3 properties still require boundary walls to be constructed.
- For the two properties mentioned in paragraph 4(d), vide order dated 12th December, 2023, demolition actions were directed to be carried out in accordance with the law by the DDA. For the said two properties (G-58 Saket and J-120 Saket), a letter dated 8th January, 2024 mentions a demolition program scheduled for 11th January, 2024, which has been completed as planned.
- In relation to the FIR registered by the EOW, it is stated that the EOW has registered an FIR No. 85/2023 dated 3rd November, 2023 against fraudulent recommendees. The information sought by the EOW for a total of 51 cases (33+18) as per the available records has already been forwarded to them via emails dated 21st November, 2023 and 30th November, 2023. A meeting was held in the chamber of the Director (RL) with EOW officials on 28th December, 2023 to facilitate the investigation.
- The L&BD had previously been requested by the DDA, vide office letter dated 29th November, 2023, to confirm the genuineness of recommendation letters for 38 properties, including 18 specific ones



where allotments were made (files of 18 properties out of total 38 cases where the allotments were made by the DDA have been traced). In response to the L&BD's request vide letter dated 19th December, 2023, the DDA sent the recommendation letters for the 18 identified cases to the L&BD on 23rd December, 2023 by email and followed up with a letter on 5th January, 2024 to confirm the dispatch.

- In response to the specific direction of the Court to disclose the names of the erring officials (para viii of the directions of the order dated 12th December, 2023), the said status report has not revealed the names. It is stated that the DDA's investigation is focused on identifying any delinquent officials. An FIR No. 85/2023 dated 3rd November, 2023 has been filed, and the investigation by the EOW is underway. The finalisation of the investigation may reveal names of DDA officials involved in issuing allotments of alternative plots based on forged recommendation letters. It is stated that if recommendations are received from E.O.W., appropriate disciplinary actions would be taken against the erring officials of DDA.

20. Vide order dated 12th January, 2024, this Court observed that MoHUA had not submitted any affidavit or response to the status report dated 11th December 2023, filed by the DDA. Consequently, this Court directed the concerned officials from MoHUA to be present in Court. Subsequent to the said order, as noted vide order dated 2nd February, 2024, the MoHUA has filed its status report dated 1st February, 2024. The said status report, *inter alia*, states as under:

- MoHUA conducted several meetings dated 30th November, 2023, 19th January, 2024, 24th January, 2024 with officials from the DDA,



L&BD GNCTD, and Delhi Police to address issues related to the petition and to follow the directions of this Court.

- The status report further mentions the different actions taken by the other authorities such as L&BD and the DDA, for example the lodging of an FIR with the EOW and so on. It essentially repeats the contents of the reports filed by the DDA and the L&BD.

21. Status reports were filed by the MoHUA on 1st February, 2024 and on 15th March, 2024. Vide orders dated 12th January, 2024 and 2nd February, 2024, the officials of DDA, L&BD and the MoHUA were directed to remain present in the Court.

22. Today, the following officials are present from the Ministry of Urban Development: Mr. Surendra Bagde, Additional Secretary, (MOHUA) and Mr. Sanjay Kumar Upadhyay, Under Secretary (MOHUA)

23. Two status reports have been received, one on behalf of the DDA and second on behalf of the MoHUA. In the DDA's status report dated 16th March, 2024, the following has been reported:

- Insofar as the Petitioner is concerned, the allotment of the said property located in E-66, Malviya Nagar, New Delhi-110017 was found to be on the basis of forged documents and the allotment has been cancelled as of 17th February, 1981.
- Insofar as 128 allotments are concerned, the submission of Mr. Katyal, Id. Counsel for the DDA, is that out of 128 cases, no allotment was made in respect of 85 cases. In respect of the initial 128 cases as also 38 cases, the following is reported by the DDA. *Qua* 33 cases, the status is as under:



S.NO	Status	No. of Properties
1	Vacant in possession of DDA	13
2	Reconfirmation awaited from L&BD.	7
3	Re-allotted through auction/Alternative allotment	6
4	Eviction proceeding are under process	5
5	Under Submission for cancellation of lease deed	1
6.	Mismatch in the file number. Applicant has been called along with papers of property to cross check the file and property papers.	1

- Insofar as the 38 cases are concerned, the following is the status as per the DDA's report:



S. No	Name	Recom mendation No	File No.	Propert y	Area (Sqm./ Sq. yd s)	Status As per R ecord Available	Recent Report fr om L&BD dated 31.01.2024
1	Sh. S. C Goel	32/28/77-L&B/Alt	27(39)79	B-4/284 Safdarjung			Refer Sr. No-24
2	Sh. Om Par kash	32/25/18/78	27(32)79	J-227 Saket	167.22 Sqm	Sh. Kripal Singh, Om Prakash and Krishan Kumar all sons of Lt. sh. Kanahiy a singh was found jointly eligibl e for single plot of 250.00 Sq yd s. vide L&BD letter dt. 01.11.1988	Record not trac eable. Authentic ity of recommen dation letter can not be ascertain ed. Recommend ation letter see ms to be forged.
3	Sh. N. L. GU pta	FZ/F4/S-198	27(14)79	J-170 Saket	200 sqyd	Recommendati on letter was co nfirm ed by L&B D vide their letter dt. 16.12.1988	Record/File Not traceable
4	Sh. Di n Day al	--do--	27(16)79	J-175 Saket	167.22 6 Sqm	Recommendati on letter was co nfirm ed by the L&BD vide their letter dt. 16.12.1988.	Record/ File not traceable.
5	Sh. R. N. Sar	--do--	27(15)79	J-179 Saket	167.22 6 Sqm	Recommendati on letter was co nfirm ed by the L&BD vide their	Record/File not traceable.



	an					letter dt. 07.07.1981.	
6	Sh. Shiv Lal	32/26/375	27(22)79	J-226 Saket	200 sq. yds.	Property is in leasehold and confirmation for L&BD is pending.	Reply awaited from L&BD.
7	Sh. Gango Singh	32/21/478	27(25)79	J-278 Saket	200 sq yd	At this moment status cannot be ascertained since property file is not traceable.	
8	Sh. Hem Raj	32/45/678	27(41)79	J-200 Saket	200 Sq yds.	Recommendation letter was confirmed by L&BD vide their letter dt. 26.07.1982 & 26.10.1982	Confirmation was sent vide L&BD letter dt. 21.10.1982
9	Sh. Ranjit Singh	32/21/578	27(40)79	J-221 Saket	200 Sq yds.	DDA has lost the W.P.(C) 3359/2017, LPA 498/2022, SLP 25643/2023 and no relief was granted to DDA and court has ordered DDA to convert the property into freehold and dis regard the communication received from L&BD for keeping the case in abeyance	File not traceable. As per record of dispatch register, recommendation letter dt. 05.02.1979 was not found in dispatch register. Authenticity of recommendation letter cannot be ascertained. And Recommendation letter seems to be forged.
10	Sh. Shabha Ram	32/6/3579	27(67)79	B-4/240 Safdarjung	126 sq mtr	Recommendation letter was issued in the name of Sh. Shobha Ram. Recommendation letter confirmed vide letter dated 13.05.1983 and 09.08.1983	Reply awaited from L&BD.
11	Sh. Ramesh Sharm	32/35/778	27(95)79	B-5/47D Safdarjung	108.75 sq mtr	At this moment status cannot be ascertained since property file is not traceable.	



12	a Sh. Nathu Singh	32/10/473	27(27)75	B-4/242 Safdarjung	126 sq mtr	Recommendation on letter no. 37/10/4/73. Recommendation letter confirmed vide letter dated 23.06.1982, 14.10.1987 and 10.06.1988	Reply awaited from L&BD.
13	Sh. Mangal	37/20/16/73	27(4)75	E-117 Saket	126 sq mtr	confirmation not available. A letter is available in file which states that L&BD has traced out their file	Reply awaited from L&BD.
14	Sh. Bakhat Singh	32/35/878	27(42)79	J-122 Saket	126 sq mtr	As per record, recommendee name was Bharat Singh S/o Sh. Man Singh. Recommendation letter confirmed vide letter dated 12.09.1991 and 24.09.1991	Reply awaited from L&BD.
15	Sh. Madan Lal	32/35/878	27(43)79	E-120 Saket	150.00 Sq Yds.	Confirmation letter is not available in the file & Property file is converted into freehold. The name of the recommendee in the L&BD letter dated 31.01.2024 is mentioned as Mohan Lal. Clarification awaited from L&DB on this aspect.	Record not traceable. Authenticity of recommendation letter can not be ascertained. Recommendation letter seems to be forged.
	Smt.			B-4/245		Recommendation was issued in the name of Sh. Jit Singh S/o Sh. Shiv Singh. Recommendation	



16	Munni Devi	32/41/178	27(61)79	Safdarjung	150 sqyd	on letter confirmed vide letter dated 20.06.1981 and 07.09.1982. The property has been in the name Smt. Munni Devi by DDA.	Reply awaited from L&BD.
17	Smt. Bimla Devi	32/5/9/78	27(71)79	E-118 Saket	126.00 Sqm	Recommendation letter no. is 32/5/19/78. Recommendation was confirmed by L&BD vide their letter dt. 26.06.1998 (Original copy of forwarded to DDA is not available in record.)	Confirmation was issued by L&BD vide letter dt. 26.06.1998
18	Smt. Bhagirthi	32/5/20/78	27(60)79	B-4/244 Safdarjung	126 sq mtr	Due to Non Receipt of confirmation letter from L&BD lease Deed was Not executed as on date	Reply awaited from L&BD.
19	Sh. D. K. Jain	32/19/78/3	27(11)79	J-229 Saket	200 sqyd	At this moment status cannot be ascertained since property file is not traceable.	
20	Sh. Chhatar Sen Jain	32/10/78/3	27(12)79	J-276 Saket	200 sqyd	At this moment status cannot be ascertained since property file is not traceable.	
21	Sh. Bhim Sen	32/19/78/3	27(13)79	B-16 Friends Colony	209.032 Sqm	Main record is not traceable. Property was converted into free hold on the basis of part file.	Recommendation letter not available in the file.
22	Smt. Bahali	33/13/3/78	At this moment, allotment cannot be ascertained. As the file no./ property details are not available in the list.				
23	Sh. Ram Chander	32/2/5/79	At this moment, allotment cannot be ascertained. As the file no./ property details are not available in the list.				
						Recommendation letter file no. is 33/28/1/77. As per the scan	



24	Sh. Subhash Chandher Goyal	32/23/177	27(39)79	B-4/284 Safdarjung	168 Sqm	Record recommendation was withdrawn by L&BD vide their letter dated 21.05.85. Thereafter L&BD vide letter dated 16.05.86, 31.03.87 & 13.08.87 states no appeal filed by their department against the High Court Order & Advice to take action in accordance of Court order.	Recommendation letter forwarded to L&BD for genuineness. Reply awaited from L&BD.
25	Sh. Sohan Lal	31/11/774	23(7)75	B-5/133, Paschim puri	125 Sq Yds	letter of 128 +38 cases is not available in the file and property was converted into freehold	Record available. Dispatch no. is not found on the recommendation letter dt. 24.05.1975
26	Sh. Nairn Singh	33/7/2074	23(3)79	H-1/138, Vikas puri	166.00 Sqm	Recommendation letter was confirmed by L&BD vide their letter dt. 24.09.1982	Record available. Recommendation letter was verified by L&BD vide their letter dt. 24.09.1982
27	T.N. Tanuja	33/10/677	8(11)79	A-64 Jhilmil Tahirpur	200.00 Sq Yds.	In the record, recommendation letter was issued in the name of Sh. Ravi Shanker Gaur vide file no. 30/5/12/78. Recommendation letter was confirmed by L&BD vide their letter dt. 07.11.1981.	Recommendation letter forwarded to L&BD for genuineness. Reply awaited from L&BD.
28	Sh. Gopal Chand Dey	30/10/575	8(45)79	B-33 Jhilmil	122.47 Sq. Mtr.	At this moment status cannot be ascertained since property file is not traceable.	
29	Sh. Rajaraj	32/26/3	27(26)7	J-178 S	200.00 Sq. Y	At this moment status cannot be	



	m	78	8	aket	ds.	e ascertained since property file is not traceable.
30	Sh. Jogeshwar Kumar	32/21/177	27(5)79	B-50 Friends Colony	209.032 Sqm	Recommendation letter was available in the name of Sh. Yogeshwar Kumar. Recommendation was confirmed by L&BD vide their letter dt. 15.05.1982. Dispatch register not traceable. Confirmation was sent by L&BD vide letter dt. 15.05.1982 (name difference, file no. same)
31	Sh. Prabha Ksetrapal	32/35/978	27(52)79	B-3/88 Safdarjung	125.40 Sqm	Plot was Re Alloted Via E-Auction dated-28.12.21& F.H on 16.09.22 Reply earlier given by L&BD. Recommendation letter forged. Property disposed of later by auction.
32	Smt. Neelam Seth	32/5/2178	27(66)79	E-112 Saket	126.00 Sqm	Recommendation confirmation letter is not available in the file. Record not traceable.
33	Smt. Parwati Devi	32/35/178	27(155)79	G-70 Saket	125 sqyd	At this moment status cannot be ascertained since property file is not traceable.
34	Sh. Khazan Singh	33/8/1079	11(14)79	BH (P) 29 Shalimar Bagh	207.00 Sq. Mtr.	Recommendation was withdrawn by alternative branch. Whereas, the On the basis of the Part file, Property was converted into freehold on 06.02.2007 Recommendation was withdrawn by L&BD vide their letter dt. 03.08.82
35	Sh. Raj Singh	33/24/179	11(29)79	BH(P)-4 Shalimar Bagh	126.00 Sq. Mtr.	At this moment status cannot be ascertained since property file is not traceable.
36	Sh. Anand Sarup Malhotra	37/6/270	27(35)79	E-96 Saket	150.60 Sqm	Recommendation was confirmed by L&BD vide their letter dt. 16.09.1981. Recommendation letter dispatched and confirmed by L&BD.
37	Sh. Om Par	37/19/364	27(17)70	E-113, Saket	125.419 Sq	Recommendation letter confirmation was pending and recom Reply awaited from L&BD.



	kash				mtr.	mentation letter is not avai lable in the file.	
38	Smt. R ajwant i	33/8/3/ 79	11(3)79	KU-160 Pitamp ura	207 S q. Mtr.	Recommendati on letter was co nfirmed by L&B D vide their letter dt. 03.12.1 992	Record/File not traceable.

24. The DDA's report also stated that the L&BD is still to give certain confirmations which are as under:

“13. Out of these 38 cases, in 26 cases L&BD has been requested to confirm/verify the genuineness of recommendation letters. The report of L&BD dated 31.01.2024 wherein they have provided the status of 17 cases. As some of the details provided by L&BD were not matching with the records of DDA this office vide letter dated 21.02.2024 & 06.03.2024 again requested L&BD, GNCTD to verify the genuineness of the confirmation of recommendation letter issued by it.

14. That it shall not be out of place to add that in respect of one of the properties which are a subject matter of these proceedings the party/ petitioner therein has filed a contempt petition being no Cont. Cas (C) 609/2022 which is pending. In respect of this property, the writ petition filed by the said party seeking conversion to freehold was allowed and both the LPA as well as SLP thereof were dismissed. The petitioner thereafter filed the aforesaid Contempt. Meanwhile and in pursuance of these proceedings the L&B apprised the DDA vide its letter dated 25.01.24 that it does not have records of the subject property in question and hence it cannot confirm the genuineness of the recommendation letter. In these circumstances the DDA moved an application in the said contempt proceedings (wherein for noncompliance the VC, DDA



was directed to appear in person). In view of the entire facts being brought on record, the coordinate bench of this Hon'ble court was pleased to exempt his appearance while directing DDA to place on record all documents. Copy of the order dated 28.02.2024 in contempt petition No. Cont.Cas (C) 609/2022 is annexed hereto as ANNEXURE R-1.”

25. Meetings are stated to have been convened by the MoHUA and the DDA, and other authorities are attending those meetings. The relevant portion of the status report filed by the MoHUA dated 15th March, 2024, reads as follows:

“6. It is submitted that vide Status Report dated 01.02.2024 filed on behalf of the answering Respondent, this Hon'ble Court was apprised of the notable developments that have taken place due to constant monitoring and review by the answering Respondent. It is further submitted that in continuation to the aforementioned, the following necessary updates are respectfully brought to the kind attention of this Hon'ble Court:

a. It is submitted that due to the continuous efforts by DDA, an old file of the year 1991 has been traced by the Department, wherein details of about 166 recommendations are available. It is further submitted that appropriate directions have been issued to DDA to share the said details with the EOW, Delhi Police.

b. It is submitted that the papers related to alleged forged allotment of plot B-3/88, Safdarjung Development Area Delhi in favour of Ms. Prabha Khetarpal, has also been handed over by the DDA to the EOW, Delhi Police.

c. It is submitted that the DDA has made available



a detailed note to EOW, Delhi Police elucidating the process followed for the purpose of acquisition of land and issuance of recommendation letters, for further facilitating the ongoing investigation.

d. It is submitted that the DDA has identified the concerned officials who had dealt with the issue of allotment of plots during the period of 1979 to 1981 and details of the same have been furnished to the EOW, Delhi Police.

e. It is submitted that the officials who had dealt with the case of handing over possession of Plot B-3/88, Safdarjung Enclave have been identified by the DDA and their respective details have also been communicated to the EOW, Delhi Police.”

26. The survey report in respect of 16 of the 38 properties is still awaited. The details of the officials who are posted in the Residential Branch during the period 1979-81 are stated to have been shared with the EOW on 12th March, 2024.

27. On behalf of the Delhi Police, EOW-Ms. Sethi, Id. Counsel submits that two FIRs have been registered and notices under Section 91 CrPC were sent to all the owners of the 33 properties and two have in fact replied. However, she states that considering the involvement of multiple authorities in this matter, the investigation ought to be handed over to the CBI. Mr. Ahluwalia, Id. Counsel appearing for the MoHUA submits that the Ministry is repeatedly holding meetings to get to the bottom of the matter, as to the manner in which such valuable properties have been allotted on the basis of forged letters.



28. The L&BD is represented through Mr. Manbinder Singh, Deputy Secretary, Land and Building. He submits that the records are old and it is taking some time to even trace the records.

29. Heard. This matter is being monitored by this Court since more than a year. Despite the fact that such valuable properties in areas of North Delhi, West Delhi and South Delhi, which may have market value of more than Rs.1000 crores (as recorded vide order dated 6th November, 2023) appear to have been allotted on forged documents and there has been a substantial monetary loss to the exchequer, the stand of the DDA and the L&BD continues to be that the record is being traced and that action is being taken.

30. The L&BD is evidently the department from which the issuance of forged letters originated, leading to the allotment of land to various unscrupulous individuals. Letters from as early as 17th February 1981 to the present, acknowledge the existence of such forged letters. The unresolved issues are the extent of such letters acknowledged by the DDA, the different allotments made, and the identification of the individuals involved. It is now undisputed among all authorities that several properties worth crores, located in South and Central Delhi, have been allocated in this manner.

31. The government or any authority responsible for managing public assets or tasked with the distribution of public benefits is essentially functioning as a caretaker. Such entities are expected to conduct themselves in a manner that is both fair and reasonable. The status reports discussed above would show that each of the authorities i.e., the L&BD and the DDA are 'passing the buck' and not owning up responsibility. The DDA has taken some action recently but the same is for the future i.e., re-claiming the plots,



cancelling allotments, initiating eviction proceedings etc., There is no concrete action taken in identifying the officials who were involved.

32. The L&BD which is where the forged letters are stated to have originated from, continues to drag its feet in giving the details. The L&BD is curiously seeking document numbers and other details from the DDA.

33. There can be no doubt that anyone who occupies a public office and thereby represents the government or a public entity owes their duty to the citizenry. Therefore, any authority given to a public office holder is intended to be used for the greater good and to advance the interests of the community. In essence, every public office bearer is a steward of the public's trust.

34. The situation involving the distribution of forged letters by the L&BD, and the subsequent failure to take timely action against this malpractice, is a clear sign of the malaise that has crept into the public authorities and their functioning. When officials from organizations such as the DDA and the L&BD are implicated in such matters, it shakes the foundation of public trust. It is crucial, therefore, that every measure is taken to investigate these incidents thoroughly. Needless to state that in such matters authorities must act promptly, transparently and hold those responsible accountable. Failure to do so could lead to erosion of the public's confidence in the authorities, making it extremely challenging to rebuild that trust.

35. It is well-settled that the public trust doctrine is a part of Indian law, and is a facet of Article 21 of the Constitution. The said doctrine imposes on the State and its functionaries a mandate for effective management of the



resources at the disposal of the State. Having the concept of Rule of law as its foundation, the said doctrine provides that the action/order of the State or State instrumentality would stand vitiated, if it lacked *bona fides*. In *Noida Entrepreneurs Association v. Noida & Ors. (2011) 6 SCC 508*, the Supreme Court observed as follows:

“38. The State or the public authority which holds the property for the public or which has been assigned the duty of grant of largesse, etc. acts as a trustee and, therefore, has to act fairly and reasonably. Every holder of a public office by virtue of which he acts on behalf of the State or public body is ultimately accountable to the people in whom the sovereignty vests. As such, all powers so vested in him are meant to be exercised for public good and promoting the public interest. Every holder of a public office is a trustee.

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40. The Public Trust Doctrine is a part of the law of the land. The doctrine has grown from Article 21 of the Constitution. In essence, the action/order of the State or State instrumentality would stand vitiated if it lacks bona fides, as it would only be a case of colorable exercise of power. The Rule of Law is the foundation of a democratic society. (Vide Erusian Equipment & Chemicals Ltd. v. State of W.B., AIR 1975 SC 266, Ramana Dayaram Shetty v. International Airport Authority of India, AIR 1979 SC 1628, Haji T.M. Hassan Rawther v. Kerala Financial Corpn., AIR 1988 SC 157, Shrilekha Vidyarthi v. State of U.P., AIR 1991 SC 537; and M.I. Builders (P) Ltd. v. Radhey Shyam Sahu, AIR 1999 SC 2468).

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41. Power vested by the State in a Public Authority should be viewed as a trust coupled with duty to be exercised in larger public and social interest. Power is to be exercised strictly adhering to the statutory provisions and fact-situation of a case. "Public



*Authorities cannot play fast and loose with the powers vested in them". A decision taken in an arbitrary manner contradicts the principle of legitimate expectation. An Authority is under a legal obligation to exercise the power reasonably and in good faith to effectuate the purpose for which power stood conferred. In this context, "in good faith" means "for legitimate reasons". It must be exercised bona fide for the purpose and for none other. (Vide *Commr. of Police v. Gordhandas Bhanji*, AIR 1952 SC 16, *Sirsi Municipality v. Ceceila Kom Francis Tellis*, AIR 1973 SC 855, *State of Punjab v. Gurdial Singh*, AIR 1980 SC 319, *Collector (District Magistrate) v. Raja Ram Jaiswal*, AIR 1985 SC 1622, *Delhi Admn. v. Manohar Lal*, (2002) 7 SCC 222 and *N.D. Jayal v. Union of India*, AIR 2004 SC 867)."*

36. Thus, considering the situation that the present writ petition has revealed, this Court is of the opinion that the inaction by both the DDA and the L&BD has eroded the trust of the public and the confidence of the Court that the said authorities can deal with the issues in an unbiased manner.

37. On 6th November, 2023, this Court weighed the possibility of referring the entire matter to the CBI. The power of the Court to assign an investigation to the CBI through its writ jurisdiction is limited. The Court cannot exercise this power routinely; it is reserved for exceptional cases and should be used judiciously. There are no rigid rules or a one-size-fits-all approach to determine when such a transfer of investigation is warranted; each case must be assessed on its own merits to decide the appropriateness of involving the CBI. The Supreme Court in *Royden Harold Buthello v. State of Chhattisgarh*, [2023] 3 S.C.R. 150, placing reliance on *State of West Bengal v. Committee for Protection of Democratic Rights, West*



Bengal & Ors., (2010) 3 SCC 571 and *Mithilesh Kumar Singh v. State of Rajasthan & Ors., (2015) 9 SCC 795* observed as follows:

“17. Having noted this aspect of the matter it is appropriate to refer to the decision in the case of State of West Bengal & Ors. vs. Committee for Protection of Democratic Rights, West Bengal & Ors. (2010) 3 SCC 571 wherein it is held as hereunder:

“70. Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.”



Also *Mithilesh Kumar Singh vs. State of Rajasthan & Ors.* (2015) 9 SCC 795 wherein it is held hereunder:

“12. Even so the availability of power and its exercise are two distinct matters. This Court does not direct transfer of investigation just for the asking nor is transfer directed only to satisfy the ego or vindicate the prestige of a party interested in such investigation. The decision whether transfer should or should not be ordered rests on the Court’s satisfaction whether the facts and circumstances of a given case demand such an order. **No hard and fast rule has been or can possibly be prescribed for universal application to all cases. Each case will obviously depend upon its own facts. What is important is that the Court while exercising its jurisdiction to direct transfer remains sensitive to the principle that transfers are not ordered just because a party seeks to lead the investigator to a given conclusion.** It is only when there is a reasonable apprehension about justice becoming a victim because of shabby or partisan investigation that the Court may step in and exercise its extraordinary powers. The sensibility of the victims of the crime or their next of kin is not wholly irrelevant in such situations. After all transfer of investigation to an outside agency does not imply that the transferee agency will necessarily, much less falsely implicate anyone in the commission of the crime. That is particularly so when transfer is ordered to an outside agency perceived to be independent of influences, pressures and pulls that are commonplace when State Police investigates matters of some significance. The confidence of the party seeking transfer in the outside agency in such cases itself rests on the independence of that agency from such or similar other considerations. It follows that unless the Court sees any design behind the prayer for transfer, the same must be seen as an attempt only to ensure that the truth is discovered. **The**



hallmark of a transfer is the perceived independence of the transferee more than any other consideration. Discovery of truth is the ultimate purpose of any investigation and who can do it better than an agency that is independent.

...

Suffice it to say that transfers have been ordered in varied situations but while doing so the test applied by the Court has always been whether a direction for transfer, was keeping in view the nature of allegations, necessary with a view to making the process of discovery of truth credible. What is important is that this Court has rarely, if ever, viewed at the threshold the prayer for transfer of investigation to CBI with suspicion. There is no reluctance on the part of the Court to grant relief to the victims or their families in cases, where intervention is called for, nor is it necessary for the petitioner seeking a transfer to make out a castiron case of abuse or neglect on the part of the State Police, before ordering a transfer. Transfer can be ordered once the Court is satisfied on the available material that such a course will promote the cause of justice, in a given case.

...

19. Hence it is clear that though there is no inflexible guideline or a straightjacket formula laid down, the power to transfer the investigation is an extraordinary power. **It is to be used very sparingly and in an exceptional circumstance where the Court on appreciating the facts and circumstance arrives at the conclusion that there is no other option of securing a fair trial without the intervention and investigation by the CBI or such other specialized investigating agency which has the expertise.**”



38. This Court is of the opinion that considering the complex situation revealed through the various orders of this Court in the present writ petition—specifically, the issuance of forged recommendation letters by the L&BD for land allotments, and the subsequent unauthorised property allocations by the DDA—the disclosures made during the course of this writ petition presents a significant challenge to the integrity of public administration and trust. The involvement of various officials across multiple departments, along with the 40 year period over which these malpractices have occurred, raises concerns about systemic vulnerabilities within these authorities.

39. Given the gravity of the allegations, which suggest not only a breach of trust but also a blatant disregard for Rule of law governing public land allocation, there is an urgent need for an investigation that is both thorough and impartial. Thus, this Court is of the opinion that the present writ be considered as a complaint for the CBI to take appropriate steps, in accordance with law.

40. Considering that both the Delhi Police and MoHUA itself have consented to this matter being referred to the CBI, this Court is of the opinion that referring this matter to the CBI would accomplish several crucial objectives of restoring the eroded public trust in allotment of land across Delhi.

Directions

41. Under these circumstances, the following directions are issued:

- (i) The DDA shall continue its enquiries and shall take action in accordance with law in an expeditious manner. Efforts shall be made to retrieve the properties which were



allotted on forged letter basis with alacrity and with diligence. The efforts of the DDA shall, accordingly, continue.

(ii) Insofar as the investigation is concerned, the entire investigation into the two FIRs bearing nos. 85/2023 and 77/2024, PS Kotla Mubrakpur be handed over to the Central Bureau of Investigation (CBI) by the EOW-Delhi Police. The CBI shall conduct a thorough investigation in this matter in respect of all the allotments made on forged documents and take action in accordance with law.

(iii) Insofar as the Petitioner's allotment of the plot bearing no. E-66, Malviya Nagar, New Delhi-110017 is concerned, it is held that since the allotment was based on a forged letter which has been cancelled, the Petitioner is not entitled to any relief. The Petitioner's allotment letter dated 22nd September, 1979 is cancelled.

42. It is submitted by Mr. Katyal, Id. Counsel for the DDA that insofar as the Petitioner's plot is concerned, as per DDA, the plot is now in DDA's possession.

43. Since the present petition, insofar as the Petitioner is concerned has come to an end, let the matter be converted into a '*Public Interest Litigation*' and be placed before the Hon'ble the Acting Chief Justice for being taken up on the judicial side in the manner as deemed appropriate.

44. The respective officers are exempt from appearance at this stage, unless the Court directs otherwise.

45. Copy of this order along with all the records in the present writ be placed before the Hon'ble the Acting Chief Justice.



46. The present matter is released from part-heard.

47. The petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MARCH 18, 2024

dk/dj/dn

(corrected and released on 27th March, 2024)