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GHANSHYAM DASS KEDIA AND ORS.

v.

SHRI N.P. SINGH, SECRETARY, GOVERNMENT
OF INDIA AND ORS.

B

APRIL 7, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

C

Delhi Development Authority—Direction given by Supreme Court for allotment of plot of 330 sq. yards each to 19 persons—Modification of direction—Direction for construction of flats for 19 persons—Direction to DDA to give necessary sanction to the plan—Direction to Union of India to change the user of land—Petitioners themselves would make the construction under the direction and supervision of the DDA.

D

Union of India & Ors. v. Ghanshyam Dass Kedia & Ors., [1996] 2 SCC 285, referred to.

CIVIL ORIGINAL APPELLATE JURISDICTION : Contempt
Petition No. 209 of 1997 and I.A. Nos. 6 & 7.

E

In

Civil Appeal No. 4579 of 1995.

From the Judgment and Order dated 25.1.91 of the Delhi High Court in C.W. No. 3084 of 1987.

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Altaf Ahmad, Additional Solicitor General, H.N. Salve, R.F. Nariman K.K. Venugopal, Arun Jaitley M.P. Shorawala, D.S. Mehra, B.R. Sabharwal, S. Rizvi, Ms. Sushma Suri, T.V. Ratnam and V.B. Saharya for the appearing parties.

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The following Order of the Court was delivered :

We have heard learned counsel on both sides.

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This Court by order dated December 12, 1995 in *Union of India & Ors. v. Ghanshyam Dass Kedia & Ors.*, [1996] 2 SCC 285 had given direction to the DDA and the Union of India that 19 persons, the appellants therein,

be given 330 sq. yard each uniformly for construction of their houses, as per plans sanctioned by the authorities, with all other amenities. It would appear that there was some problem which was not brought to the notice of the Court at the time when the matter was disposed of. I. As. were filed, one by the Union of India and one by DDA. As per the application filed by the Union of India, they proposed four alternatives for allotment of the plots to them. After going through the record, we have put them to the learned counsel for the parties. Shri Harish Salve, learned senior counsel appearing for some of them, has also discussed with the parties. After the discussion, it now emerges that alternative No. IV proposed by the Union of India is acceptable and is accordingly accepted by them. As per that, residential flats are required to be constructed for the said 19 petitioners in an extent of one acre of the land. The area required for the said flats to be constructed by them will be "A.B.C.D.-1.00 acre" and P & SP to be with DDA, the area is of 2 acres; thus, total area required is 3 acres. Hence, there is no need to cut the existing trees growth. It is suggested that the petitioners themselves would make the construction under the direction and supervisions of the DDA. That also is agreed. The Government of India would change land use zone. The DDA is directed to give necessary sanction to the plans and supervise the construction; the petitioners would construct the flats according to the specifications and as per the sanction given by the DDA. Union of India is directed to change the user of the land within two months from the date of the receipt of the order and DDA is directed to give necessary sanction and allot the land within four weeks thereafter.

The Contempt Petition and I.As. are disposed of in the above terms.

T.N.A.

Petitions disposed of.