

Shri Raju

Vs

Delhi Development Authority and others

Civil Appeal No. 79 of 1991

(A. M. Ahmadi, K. N. Saikia JJ)

07.01.1991

ORDER:-

1. Special leave granted.

2. Pursuant to this Court's Order of 3-12-1990, the appellant was examined by Dr. P. K. Dave of All India Institute of Medical Sciences and he has certified that the appellant has 65% permanent impairment in relation to his body. In view of this certificate, learned counsel for the Delhi Development Authority does not dispute the eligibility of the appellant to allotment as a handicapped person. He, however, points out that the interim order passed by this Court on 24-8-1990, ought to be modified in view of the fact that the shop in question was already the subject matter of an earlier interim order passed by the High Court of Delhi in C.W.P. No. 3142/85. Mr. M. C. Bhandare, Senior Advocate, has fairly placed before us a copy of the order of the High Court dated 8-11-1990, which points out the conflict in the orders. Since the High Court's order was earlier in point of time, we vacate our order of 24-8-1990.

3. We have heard learned counsel for both the sides and having regard to the finding recorded by Dr. P. K. Dave, we are of the opinion that the appellant ought to be granted a shop as a handicapped person keeping in view his preference to three shops in different localities in paragraph 15 of the rejoinder which are as under:-

1) Shop No. 16, Pocket, R/ 4 Pitampura, New Delhi Reserved Price Rs.88500/-

2) Shop No. 12, Naraina Place, D.D.A.. Shopping Complex Reserved Price Rs. 3 lakhs

3) Shop No. 11, Pocket No. 8, Sector 'C', Vasant Kunj. Reserved price Rs.48000/-

4. Learned counsel for the Delhi Development Authority states that if these shops are available for being granted to the appellant, they would consider his request in relation thereto but if they are not available as having been allotted to someone else or for any other valid reason, the Delhi Development Authority will grant a shop to the appellant in any other locality as per the policy of the Delhi Development Authority at the reserved price. The Delhi Development Authority may complete the process regarding the grant of the shop within ten weeks from today. With these observations, we dispose of this appeal with no costs.

Order accordingly.

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