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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3694/2026**
LT. COL J.S. AHLAWAT (RETD)

.....Petitioner
Through: Mr. D K Rustagi, Mr. Ujjwal Mishra,
Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.

.....Respondents
Through: Mr. Sonal Anand, Ms .Surbhi Singh,
Mr. Pranay Rathore, Advs. for R-2
Ms. Latika Malhotra, Adv. for DDA

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
23.03.2026

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W.P.(C) 3694/2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“(a) Issue writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent No.1/Delhi Development Authority to take necessary action against the Respondent No.2 Society on illegal & unauthorized construction/development carried out in violation of revised sanctioned plan dated 11.03.2014 despite the show cause notices dated 21.03.2023 & 07.10.2024;



- (b) Issue writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent No.1/Delhi Development Authority to enforce the draw of lots/allotment letter dated 25.07.2010, since neither the Society nor RCS can modify or nullify the above draw of lots/allotment in view of Clause 12 & 13 of the Perpetual Lease Deed dated 11.07.2002 besides violation of Section 77 of DCS Act and 90(1) and Schedule VII(1) of the DCS Rules made there under;*
- (c) Issue writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent No.1/Delhi Development Authority to take all such actions necessary to restore the layout including allotment in common area by the Respondent No.2 Society on any ground whatsoever which is in variance to revised sanctioned plan dated 11.03.2014;*
- (d) Award exemplary costs and compensation to the Petitioner for mental harassment, abuse of process and violation of fundamental rights caused by deliberate in action of public bodies;...”*
2. The primary grievance of the petitioner in the present writ petition is regarding the car parking space.
 3. It is the case of the petitioner that vide order dated 12.01.2026 in W.P. (C) 15597/2025, the petitioner succeeded in writ petition and the it was directed that the petitioner need not pay for the second car parking and the Society is free to use the said car parking. The relevant paragraphs



of the said order read as under:

“9. At this stage, The Petitioner categorically submits that he is using only one parking in the Society.

10. The manager of the society is present and submits in view of the above statements that the Petitioner wishes to use only one parking; no demands shall be pressed against the Petitioner for the second parking till the appeal is decided.

11. Accordingly, the Petitioner shall not be liable to pay charges for the second parking and the Society is free to use the second parking as per its bye laws till the appeal is decided.”

4. The application bearing No. 8971/2026 seeking clarification of the said order dated 12.01.2026 was filed by the petitioner, which was dismissed by this Court. The relevant paragraphs read as under:

“3. Issue has been raised in respect of the parking which has been allotted to the Petitioner. Admittedly, the Petitioner was earlier using a bigger parking area where two cars could be parked and was only paying for one parking slot. This was objected to by the Respondent No. 4 - Ashoka Enclave CGHS Ltd. (hereinafter, ‘Society’). Therefore, it was clarified in the order dated 12th January, 2026 that the Petitioner would be permitted to use only one parking space.

4. Accordingly, the Petitioner has been permitted to use one parking slot and the said slot has been given to the Petitioner. The present application is an attempt to merely retain the old parking space where two cars can be parked.



5. The Court has put a categorical question to the Petitioner who is present in Court as to whether he is willing to pay for the bigger parking slot where two cars can be parked. The Petitioner is clearly not willing to pay and various objections are being raised that the Society could not have created the said parking space.”

5. Mr. Rustagi, learned counsel for the petitioner, states that in view of above 2 orders, the right of the petitioner to one car parking space has been crystallized and the respondent is illegally and unauthorized trying to shift the said car parking space.
6. For the said reasons, issue notice.
7. Mr. Anand, learned counsel accepts notice on behalf of the respondent No. 2 and states that the respondent is very much within its right to re-allot one car parking space to the petitioner. It is the case of shifting the car parking space and the order dated 12.01.2026, permits the respondent No. 2 to do so.
8. I am of the view that the matter requires consideration.
9. Let the reply be filed within 4 weeks from today.
10. List on 28.08.2026.

CM APPL. 17975/2026

11. This is an application filed under Section 151 of CPC, 1908 seeking ex-parte ad-interim stay.
12. For the reasons stated in the application, issue notice.
13. Mr. Anand, learned counsel accepts notice on behalf of the respondent No. 2.
14. For the reasons stated above, I am satisfied that the petitioner has a



prima facie case and the balance of convenience lies in favour of the petitioner. The petitioner's right to one car parking space seems to be *prima facie* crystallised by the order dated 12.01.2026 of this Court in W.P (C) 15597/2025. The re-allocation of the car parking space may cause inconvenience to the petitioner. I am of the view that if the court finds that the respondent Society can re-allot the car parking space, the same can be so done once the matter is decided.

15. Thus, till the next date of hearing, the respondent Society shall maintain status quo with respect to the said car parking space.
16. List on 28.08.2026.

JASMEET SINGH, J

MARCH 23, 2026/sp