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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17532/2022**

SMT NISHA

..... Petitioner

Through: Ms. Bani Dixit, Mr. Uddhav Khanna
& Mr. Kishan Kumar, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Sanjay Katyal, SC for DDA with
Mr. Nihal Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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22.12.2022

CM APPL. 55958/2022 (Exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application stands disposed of.

W.P.(C) 17532/2022 & CM APPL. 55957/2022

3. The present petition has been filed impugning the letter dated 25.10.2022 bearing no. F-18(23)1973/LAB(R)/1669 passed by Respondent/DDA rejecting the Petitioner's application for conversion of the property, situated at E-153, Masjid Moth Residential Scheme, Greater Kailash-III, New Delhi-110048, from leasehold to freehold. The Petitioner further seeks directions to the Respondent to restore the lease deed dated 22.05.1974.
4. Issue notice. Mr. Sanjay Katyal, learned standing counsel accepts notice on behalf of the Respondent, DDA, and seeks four weeks' time to file the counter affidavit.
5. Rejoinder thereto, if any, be filed by the Petitioner within a period of



two weeks thereafter.

CM APPL. 55957/2022 (Application on behalf of the Petitioner for the stay of the order dated 25.10.2022)

6. Learned counsel for the Petitioner has drawn this Court's attention to the order passed by the Appellate Court in the proceedings arising between the parties from the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, (PP Act, 1971) wherein, the Appellate Court on 06.04.2019 held as under: -

"Appellant has been sufferer and it is hoped that after dismissal of this appeal, respondent will act urgently as per law with the urgency this case deserves in view of the suffering already undergone by the appellant during all these years. Appeal is accordingly allowed and the order dated 10.08.2016 is set aside."

(Emphasis supplied)

7. Learned counsel for the Petitioner states that the writ petition filed by the Respondent, two years later assailing the order dated 06.04.2019 has also been dismissed for non-prosecution vide order dated 23.05.2022. She states that even after the *lis* between the parties under the PP Act, 1971 has come to an end, the Respondent is unreasonably and arbitrarily not acceding to the Petitioner's application for restoration of lease and conversion.

8. She has placed reliance on the order dated 08.03.2018 passed in the Appellate Proceedings under PP Act, 1971 wherein Respondent, DDA, categorically stated before the said Court that the Petitioner can deposit the misuse charges and the issue of conversion can be dealt with. She states that in view of the said order charges were deposited, however, Respondent has failed to process the application without any basis in law and rejected the same by the impugned order.



9. She states that the Petitioner has already paid the necessary conversion as well as misuse charges, even though as per the Petitioner there is no misuse. She further states that the Petitioner is ready and willing to pay all further charges required by Respondent for processing the conversion application, in accordance with law. She states that as per the extant circulars the Petitioner is entitled to seek restoration of the lease and conversion from lease hold to free hold.

10. In reply learned standing counsel for the Respondent states that they are examining the dismissal of the writ petition.

11. This Court is considered the submissions of parties and perused the impugned order dated 25.10.2022 is cryptic and unreasoned and has been passed 15 years after the conversion application was filed. It fails to deal with the extant circulars of the Respondent *inter alia* circular dated 09.04.2008 and 04.08.2015 and the circulars referred to by the Appellate Court in its order dated 06.04.2019, opining *inter alia* that the Petitioner should be granted an opportunity to remedy the breach of the terms of the lease deed and not be treated as an unauthorized occupant. In light of the fact that the Petitioner has been in the possession of the subject property since 2006, the prior orders passed by Court in the PP Act, 1971 and in order to avoid multiplicity of proceedings, the impugned order dated 25.10.2022 is stayed during the pendency of present writ petition.

12. List the matter on 10.03.2023.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 22, 2022/Nc/asb