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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3635/2017**
OXFORD PUBLIC EDUCATIONAL SOCIETY (REGD.)

.....Petitioner

Through:

versus

DELHI DEVELOPMENT AUTHORITY & ORS

.....Respondent

Through: Ms. Shahana Farah, Addl. Standing
Counsel with Mr. Abhigyan, Ms. Reya
Paul, Ms. Amruta Padhi, Ms. Nidhi
Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
18.02.2026

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

- a) *“Issue a writ in nature of certiorari or any other appropriate writ/order thereby calling the records and quashing the letter dated 15.04.2015 (ANNEXURE-P16);*
- b) *Issue a writ in nature of mandamus or any other appropriate writ/order thereby directing the respondent to regularize the aforesaid area of 43 sq .meter on zonal variant rates situated in E-Block, East of Kailash, New Delhi in favour of the petitioner society...”*



2. The petitioner is a registered society under the Societies Registration Act, 1860 running a kindergarten school under the name and style of *Oxford Public School* at Nehru Nagar, Delhi-110065 and has about 120 students on its roll.
3. The respondent, Delhi Development Authority (“**DDA**”), allotted a plot of land to the petitioner measuring 800 sq. meters for a Nursery School in E-Block, East of Kailash, New Delhi, *vide* letter dated 19.02.2002. A Perpetual Lease Deed was executed on 24.05.2002 pursuant to the said allotment.
4. At the time of handing over possession, an area measuring 43 sq. meters out of the total 800 sq. meters was not available due to the existence of a 630 KVA transformer installed on the site. Consequently, possession of only 757 sq. meters was delivered and the proportionate premium for 43 sq. meters was refunded to the Petitioner.
5. The petitioner, took steps for removal of the transformer. Upon demand raised by BSES Rajdhani Power Limited, the Petitioner paid Rs. 1,81,413/- on 29.10.2005 towards shifting charges. Thereafter, the transformer was removed and the Petitioner came into possession of the remaining 43 sq. meters, which was developed as a green area for school children.
6. Since the said 43 sq. meters formed part of the originally allotted 800 sq. meters earmarked for Nursery School in the Master Plan/Layout Plan, the petitioner repeatedly requested DDA to regularize the said area at zonal variant rates, contending that it was not a fresh allotment but part of the original allotment that could not be handed over earlier due to the transformer.



7. However, DDA treated the same as additional land and demanded a sum of Rs. 56,36,387/- *vide* letter dated 23.01.2008, treating it as fresh allotment at prevailing rates. The petitioner submitted several representations clarifying that the land was part of the original allotment and referring to internal file notings indicating that the land was not a fresh allotment.
8. Despite repeated representations, DDA, *vide* letter dated 15.04.2015, rejected the Petitioner's request on the ground that the mode of allotment had been changed from allotment to auction.
9. Aggrieved by the rejection and the demand raised, the petitioner has filed the present writ petition challenging the letter dated 15.04.2015 and seeking directions for regularization of the 43 sq. meters at zonal variant rates.
10. Ms. Farah, learned ASC states that on measurement it was found that the area in question is 45.97 sq mts.
11. Mr. Gupta, learned counsel without going into the merits of the case, states that the petitioner is in use and occupation of the said area and requires it for children going to the school. As per the zonal plan, the area can only be used for a nursery school, and since the said area is part of plot allotted to the petitioner for the school, the petitioner is ready and willing to pay the auction rates.
12. Ms. Farah, learned ASC states that the petitioner has used and occupied the area unauthorisedly and must pay damages towards misuse.
13. I have heard learned counsels for the parties.
14. In the present case, the case of the respondent itself is that the 45.97 sq. mts of area in question has to be sold in accordance with DDA Disposal



of Nazul Land Rules.

15. A perusal of the map of shows that the area marked as B, C, D and E, is a part of the plot and allotting the said 45.97 sq, mts to another school would neither be practical nor possible. Additionally, the said area is being used as a play area for the children studying in the school.
16. Accordingly, the writ petition is disposed of with the direction that respondent shall issue the auction rate to the petitioner within 4 weeks and the petitioner shall pay the same expeditiously and, in any case, not later than 6 months from the date of communication.
17. On making the payment, the Conveyance Deed of 45 sq. mts. marked in portion B, C, D and E shall be executed in favour of the petitioner expeditiously and not later than 12 weeks from today.
18. The case of interest and penalty has neither been set up in the counter affidavit nor has been demanded from the petitioner.
19. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 18, 2026/sp