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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 620/2016

M/S GAUTAM PROPERTIES (DELHI)

PVT LTD AND ANR

..... Petitioners

Through : Mr. Amit Sibbal, Sr. Adv. with Mr.
Manish Kaushik, Adv.

versus

DELHI DEVELOPMENT

AUTHORITY AND ORS

..... Respondents

Through : Mr. Dhanesh Relan and Mr. Arush
Bhandari, Adv. for DDA/R-1.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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02.02.2016

CM No.2546/2016 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

W.P.(C) 620/2016

Learned senior counsel for the petitioner contends that petitioners were allotted plot bearing no.E-46/14, Okhla Industrial Area-II, New Delhi vide lease deed dated 12th September, 1983. Lease deed was for industrial purposes. It is further contended that lease deed was determined on 20th January, 2003 on the ground of misuse of the plot for commercial purposes. Subsequently, master plan 2021 was notified in the year 2007 whereby

commercial activities have been permitted in the industrial plots abutting 24 meter roads. Vide circular dated 9th April, 2008, the respondents even relaxed the policy of conversion of properties from leasehold to freehold. It was provided that conversion will be allowed without site inspection, conversion of leased properties will be allowed irrespective of building violations, in case the lease has been determined and allotment has been cancelled on account of misuse, the lease will be restored without insisting on removal of breaches and conversion will be allowed on payment of conversion, restoration and penal charges. Subsequently, two other circulars dated 7th October, 2008 and 6th April, 2009 have been issued in this regard. It is further contended that after circular dated 2nd June, 2008, it came to the notice of petitioners an application for restoration was made on 19th August, 2008, in terms of the amended policy. It is further submitted that the said application has yet not been decided and is still pending, inasmuch as, inspections have also taken place on 2nd June, 2008 and 8th August, 2011 and personal hearing afforded. Without waiting the outcome of the application of the petitioners for restoration, eviction order has been passed. Petitioner is entitled to the restoration of the plot in terms of the amended policy, subject to complying the conditions as laid down in the policy. Petitioners

have also made application for conversion which is also pending, inasmuch as, conversion charges have already been deposited.

In the above facts, the respondent no.1 is directed to treat this writ petition along with the annexures as the representation of the petitioners and decide the same expeditiously by passing a speaking order, preferably within two months and communicate the same to the petitioners. Till then, status quo be maintained in respect of the plot in question.

Writ petition is disposed of. Dasti.

All the other miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

FEBRUARY 02, 2016/dk