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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2035/2015 & CM APPL. 3646/2015

JAI BHAGWAN MITTAL

..... Petitioner

Through: Mr. Satish Tamta, Senior Advocate with
Mr. Abhishek Vikram, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Arjun Pant, Advocate for respondent
No.1-DDA.

Mr. Amit Gupta, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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22.08.2016

Learned senior counsel for petitioner states that DDA has committed an illegality by converting the property in question as the Agreement to Sell was executed in favour of the petitioner.

However, the stand of the respondent-DDA is that a General Power of Attorney and Special Power of Attorney had been executed by the seller of the property in favour of respondent No.2 who is the sister-in-law of the petitioner.

It is further stated that respondent No.2 had applied for conversion on the strength of the General Power of Attorney and Special Power of Attorney which was allowed by the DDA.

Learned counsel for respondent No.2 states that the documents annexed by the petitioner along with the writ petition are forged and fabricated.

In rejoinder, learned senior counsel for petitioner vehemently disputes the contention advanced by the learned counsel for respondent No.2.

In the opinion of this Court, as it is the petitioner's case that the property has been conveyed contrary to the Agreement to Sell, then he should file a proceeding in accordance with law inasmuch as contractual issues and moreso family disputes cannot be resolved by way of writ proceeding.

With the aforesaid observation, present writ petition and application are dismissed.

However, this Court clarifies that it has not expressed any opinion on the merits of the controversy. Rights and contentions of all the parties are left open.

MANMOHAN, J

AUGUST 22, 2016

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