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

+ W.P.(C) 7373/2013

SHALINI MITTAL

..... Petitioner

Through Mr.Rajesh Srivastava, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through Mr.Kush Sharma with Mr.Ekant
Luthra, Advocates for DDA.

Ms.Astha Nigam, Advocate for
GNCTD.

Inspector Pawan Kumar, PS Geeta
Colony.

SI Ranveer Singh, PS Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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26.09.2016

Petitioner has filed the present petition for conversion of MIG Flat bearing No. B-I/40, Sector-18, Rohini, New Delhi-110085 from leasehold to freehold.

Respondent-DDA has not converted the said flat from leasehold to freehold in accordance with the directives issued by the Delhi Police in FIR No. 8/2009, Police Station Vasant Vihar, New Delhi.

According to the status report filed by the Govt. of NCT of Delhi, a criminal case has been registered against Mukesh Kumar Sharma who has taken loan of Rs. 16 lacs on the basis of forged documents relating to the said flat. The documents on the basis of which Mukesh Kumar Sharma

availed loan of Rs. 16 lacs from HDFC have been placed on record along with the status report dated 20th December, 2013. The documents along with the status report included a copy of Conveyance Deed dated 31st August, 2006, which according to learned counsel for the respondent-DDA is a forged document.

On 17th May, 2016, this Court had stated that it is of the *prima facie* view that if the documents set up by Mukesh Kumar Sharma are forged and fabricated, respondent-DDA cannot refuse to convert the said flat in favour of the petitioner. Consequently, by the said order respondent-DDA was directed to consider petitioner's application for conversion from leasehold to freehold within eight weeks.

In pursuance to the order dated 17th May, 2016, respondent-DDA has taken a decision to keep the petitioner's request for conversion in abeyance as the issue is pending trial before the Metropolitan Magistrate Sh. Harvinder Singh, Patiala House Courts, New Delhi.

This Court is of the opinion that though the petitioner has not been arrayed as an accused, yet allowing the conversion application at this stage would make the Bank, which is not even a party to the present proceedings, remediless inasmuch as mortgage given in favour of the Bank would be rendered null and void.

Accordingly, the present writ petition is disposed of with liberty to the petitioner to file appropriate proceedings in accordance with law after impleading the Bank, Delhi Police as well as the accused in the criminal proceedings.

MANMOHAN, J

SEPTEMBER 26, 2016/KA