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

+ W.P.(C) 3997/2014 & CM Appls. 3965, 15143/2015, 12514,
12515/2016

DELHI ADVERTISING COOP. G/H SOCIETY LTD..... Petitioner
Through: Mr. G.L. Verma, Adv.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS..... Respondents
Through: Mr. Rajiv Bansal with Ms. Astha Jain,
Ms. Arpita and Mr. Anurag Tripathi, Adv. for
DDA
Mr. Ankur Arora, Adv. for R-4 to 7
Mr. Sunil Goyal, Adv. for applicant
Mr. Amit Gaurav, Adv. for Impleader

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
% **20.02.2017**

The present writ petition has been filed with the following
prayers:-

*1.To direct Respondent DDA to investigate and take action
on Petitioner's Complaint dated 7-11-2013 and 10-1-2014
addressed to Vice Chairman, DDA and letter dated 10-1-
2014 to Chief Vigilance Officer and a reply thereon be
given to the Petitioner.*

*2.To direct Respondent DDA to take follow-up action on
Show Cause Notice dated 06-01-2014 vide which a 15 days
time was given but no further action taken in pursuance
thereof.*

3.To direct Respondent DDA to take such penal action against those found guilty in misplacing or tampering with the record to pre-empt any fair investigation. Respondent be directed to fix responsibility for misplacing or tampering of record in the interest of justice.

4.To pass any order as this Hon'ble Court pleases in the interest of justice."

During the pendency of the present proceedings, the DDA has issued a letter dated 23rd February, 2016 addressed to the wife of the deceased Mr. Mahesh Belwal by virtue of which the conveyance deed executed on 11th July, 2003 in respect of flat No. 284 in favour of Mr. Mahesh Belwal has been cancelled. The letter dated 23rd February, 2016 is reproduced hereinbelow:-

"This has reference to your replies to the Show Cause Notice dated 15.12.2014 addressed to your Late husband Sh. Mahesh Belwal and the occupant of flat No. 244, Delhi Advertising CGHS Ltd., Mayur Vihar-I, Extn. Your reply has been examined taking into consideration the following facts and circumstances of the case relating to allotment of Society flat No. 244 and 284 and regularization of Mutual Exchange allowed by the Society. The secretary, Delhi Advertising CGHS Ltd., vide letter dated 01.11.2002 intimated regarding change in flats allotted to the members of the society and further requested to give effect in the records of the society maintained by the DDA.

Sh. B.D. Belwal having MS No. 178 was allotted flat No. 284 in a draw of lot held on 19.07.2007 desired to exchange his flat with flat No. 244 allotted to Sh. Mahesh Belwal having MS No. 66. The society considered the request of the members and allowed exchange in its meeting held on 03.09.2002. The copy of the resolution dated 03.09.2002 of

the managing committee was also provided alongwith the joint request from the applicants.

The member namely Sh. Mahesh Belwal being well aware of the mutual exchange allowed on 03.09.2002 concealed the fact and applied for conversion into freehold on 25.09.2002 in respect of society flat No. 244 which was originally allotted to him.

The request for conversion into freehold was considered and conveyance deed executed on 21.10.2002 in respect of flat No. 244, i.e., well before the request received for regularization of mutual exchange from the society on 01.11.2002.

Considering the request of the society dated 01.11.2002 mutual exchange of the flats was allowed and conveyed vide letter dated 06.01.2003.

Sh. Mahesh Belwal was a member of the above named society since 1978 vide his membership certificate No. 66 and was allotted flat No. 111 by virtue of draw of lots held by DDA on 13.03.2002. Capt. Chittaranjan Jain who was also a member of the same Society vide membership certificate No. 176 was allotted flat No. 244 vide draw of lots held by DDA on 19.07.2002. After the draw of lots, both the above named members entered into a mutual exchange of their flats, which was duly approved by DDA, vide DDA's letter dated 16.08.2002.

Sh. Mahesh Belwal after allowed regularization of mutual exchange of flats also applied for conversion into freehold in respect of society flat No. 284 on 10.06.2003 irrespective of the fact that he had got conversion into freehold in respect flat No. 244 originally allotted to him.

With the approval of the competent authority conversion into freehold in R/o flat No. 284 was allowed in f/o Sh.

Mahesh Belwal and conveyance Deed executed on 11.07.2003.

With the approval of the Competent Authority, it has been decided to withdraw the regularization of the Mutual Exchange allowed by the Society on 03.09.2002 of flat No. 244 with 284, conveyed by DDA vide letter dated 06.01.2003 on the grounds that flat No. 244 had been converted into freehold in f/o Sh. Mahesh Belwal on 21.10.2002 i.e. prior to regularization of Mutual Exchange on 06.01.2003. The right title and interest had outrightly been transferred in his name after conversion into freehold, therefore, the Mutual Exchange of a freehold property with a leasehold property may not have been allowed. It has also been decided to cancel the conveyance deed executed on 11.07.2003 in r/o Society flat No. 284 in favour of Sh. Mahesh Belwal.”

Learned counsel for the petitioner states that the said letter has not been communicated to the Sub-Registrar and no effective steps have been taken to cancel the conveyance deed in respect of flat No. 284.

Today, Mr. Rajiv Bansal, learned counsel for the DDA has handed over a photocopy of the letter dated 20th September, 2016 written by the Dy. Director (GH), DDA whereby the decision of cancellation of conveyance deed in respect of flat No. 284 has been communicated to the Sub-Registrar. The letter dated 20th September, 2016 is reproduced hereinbelow:-

“Please find enclosed herewith a letter No. F.1(Misc.)2013/GH/DDA/1823 dated 23.02.2016 as decided by the Competent Authority you are requested to cancel the Conveyance Deed executed on 11.07.2003 in respect of flat No. 284, Delhi Advertising CGHS Ltd., Mayur Vihar Phase-

*I, Delhi – 110 091 in favour of Sh. Mahesh Belwal.
Photocopy of executed CD is also enclosed.”*

In view thereof, the present writ petition and pending applications are disposed of as satisfied with liberty to the petitioner to seek relief, if any, against the Sub-Registrar and/or implementation of the decision contained in the letter dated 23rd February, 2016 in accordance with law.

Needless to state that the interim orders passed by this Court shall not come in the way of the Sub-Registrar while taking any action in pursuance to the communicated dated 20th September, 2016 issued by the DDA.

MANMOHAN, J

**FEBRUARY 20, 2017
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