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

+ RSA 453/2015 and CM 32593/2015 (for stay)

DELHI DEVELOPMENT AUTHORITY (DDA) Appellant

Through: Ms. Shahana Farah, Mr. Rahul
Bakshi, Mr. Rahul Dubey, Ms.
Kanika Singhal, Advocates

versus

RAGHUBER DAYAL

..... Respondent

Through: Mr. C.S. Bhandari, Advocate

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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14.09.2017

1. Disputes between the parties pertain to the property being Flat no. L-19 A, Ground Floor, Janta Flat, Dilshad Garden, Delhi 110092.
2. Respondent/plaintiff filed the subject suit for declaration, mandatory injunction and permanent injunction seeking the reliefs that the appellant should not act upon its show cause notice and final notice dated 17.9.2001 and that appellant must convert the property from leasehold to freehold. Related reliefs were also claimed by the respondent/plaintiff.
3. Original lessee of the suit property was one Shri Raghuber

Dayal. Shri Raghuber Dayal transferred his rights in the suit property to Shri J.B. Suri and who was therefore the attorney holder of Shri Raghuber Dayal. Shri J.B. Suri has also expired during the pendency of these proceedings and has been substituted by his legal heirs by allowing C.M. No.10161/2017. Therefore, the estate being the suit property is represented by the legal heirs of Shri J.B. Suri and who are claiming rights, title and interest in the suit property.

4. It is agreed and accordingly this appeal is disposed of by the consent order that the one or more legal heirs of late Shri J.B. Suri will apply to the appellant for conversion of the suit property in the names of all the legal heirs of Shri J.B. Suri. Counsel for the appellant says that the only difficulty with the appellant is that Shri Raghuber Dayal / Shri J.B. Suri had made certain illegal construction on the suit property and which could not have been done in terms of the lease executed by appellant in favour of Shri Raghuber Dayal. Appellant also states that the respondents will have to remove any encroachment on public land which is beyond the area allotted to Shri Raghuber Dayal under the allotment-cum-demand letter dated 14.10.1985. This is agreeable to the respondents through their counsel.

5. Learned counsel for the respondents also states that respondents have also applied for conversion of the property from leasehold to freehold and have deposited necessary charges with the appellant. Counsel for the appellant says and if this is done then the appellant will examine this issue with the other issues as otherwise stated in the present order.

6. Accordingly, this appeal is disposed of by directing the appellant to issue a specific notice to the respondents through their counsel who appears in Court today within six weeks as to what are the specific requirements which the legal heirs of Sh. J.B.Suri have to comply with in terms of the allotment-cum -demand letter dated 14.10.1985 and the policies of the appellant for allowing conversion from leasehold to freehold. Appellant will attach copies of the necessary policies as also all other documents of which compliance is to be done by the legal heirs of Sh. J.B.Suri for converting the property from leasehold to freehold. Legal heirs of Sh. J.B.Suri will make the necessary compliances within a period of six months of notice being served by the appellant upon the legal heirs of Sh. J.B.Suri through their counsel who appears in Court today.

7. It is clarified that the notice given by the appellant pursuant to the

present order will be specific with respect to a particular requirement which has to be complied with by the allottee or presently the legal heirs of late Sh. J.B.Suri, and that those specific requirements are relatable to which clause(s) of the allotment-cum-demand letter dated 14.10.1985 or of a concerned policy of the appellant, and as stated above, copies of all such documents will be given to the legal heirs of late Sh. J.B.Suri.

7. On the some or all legal heirs of Sh. J.B.Suri complying with the legal requirements of the appellant in terms of the allotment-cum-demand letter dated 14.10.1985, and policies of the appellant, the appellant will convert the property from leasehold to freehold and execute the conveyance deed or any other legal document making the legal heirs of Sh. J.B.Suri as the titleholder of the suit property.

8. The appeal is accordingly disposed of in terms of the aforesaid consent order and parties will act in accordance with the letter and spirit of this order so as to finish of this litigation.

Dasti to counsels for the parties.

VALMIKI J. MEHTA, J

SEPTEMBER 14, 2017

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