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

+ W.P.(C) 2859/2017

VIJAY KUMAR JAIN AND ANR Petitioners
Through Mr. Ankit Jain, Adv.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS..... Respondents
Through Ms.Shivangi Sud, Adv. for R-11.
Ms.Nidhi Raman, Adv. R-13 & 14/GNCTD.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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04.09.2020

CM No. 17717/2020

1. This application is filed by the petitioners seeking permission to rent/let out the right hand side portion of the basement and the ground floor of the property No.3, Palam Marg, Vasant Vihar, New Delhi.
2. This writ petition is filed by the petitioners challenging the order dated 08.02.2017 passed by the respondent DDA whereby the Conveyance Deed dated 05.03.2012 in respect of the plot in question has been cancelled on the ground of concealment of material facts. This court on 29.03.2017 had stayed the impugned order dated 08.02.2017 provided the petitioners maintain status quo with regard to the title and possession of the property in question.
3. Learned counsel for the petitioners submits that the property is lying idle and the petitioners would like to rent out the property.

4. On the last date of hearing, none appeared for the respondent DDA. Notice was issued to the respondent DDA. Again today, none has appeared for the respondent DDA.

5. In the facts and circumstances of the case, the interim order of this court dated 29.03.2017 is modified to the extent that the petitioners may let out the part of the property as noted above by a registered lease deed not exceeding seven years at a rent above Rs.3,500/- per month. This relief is being granted to the petitioners subject to the petitioners filing on record an affidavit of the proposed tenant undertaking to the court to abide by any further orders or directions of this court. The possession of the property shall be handed over to the proposed tenant only after a copy of the registered lease deed and the original undertaking as above are filed in court. This order is passed without prejudice to the rights and contentions of the parties

6. The application is disposed of.

JAYANT NATH, J

SEPTEMBER 4, 2020

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