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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 19th December, 2024***
+ **W.P.(C) 2215/2023 & CM APPL. 71256/2024**
SIYA RAMPetitioner

Through: Ms. Saloni Mahajan with Ms. Himani Verma, Advocates.

versus

DELHI DEVELOPMENT AUTHORITYRespondent
Through: Mr. Sanjay Katyal with Ms. Vrinda Kapoor Devi, Ms. Saumya Soni and Mr. Vishal Vaid, Advocates for DDA.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
JUDGMENT (oral)

1. The point involved in the present petition is very short and precise.
2. Learned counsel for respondent-DDA also submits that the present writ petition can be disposed of on the basis of instructions, which he has now obtained from the DDA.
3. Petitioner herein had earlier filed a writ petition seeking direction to Delhi Development Authority (DDA) to allot him an alternative MIG flat.
4. The above said writ petition was allowed way back on 18.12.2012 and DDA was directed to allot him a flat, preferably, in the same area and, if possible, at the cost which prevailed in the year 2010 within three months from the date of such order.
5. Fact remains that, eventually, the flat was allotted to him only on 22.04.2019 and the possession was taken by petitioner on 26.08.2020.



6. The flat seems to have already been converted into free hold.
7. The issue involved is with respect to the *conveyance deed*.
8. For the aforesaid purpose, a communication dated 25.02.2021 was sent by DDA to the petitioner and copies of the *conveyance deed* were also sent to him so that the deed could get stamped from the office of the Collector of Stamps and return by a particular date.
9. The grievance of the petitioner is with respect to hand-written portion appearing on top of the *draft conveyance deed* which reads as under:-

Not eligible for sale by way of executing Sale Deeds/Agreement to sell within 5 years of the restoration of allotment.

10. According to petitioner, since he had not been allotted the flat in normal course and since he was compelled to knock the doors of the Court and has been given the allotment and the possession at a very belated stage, he cannot be put under the aforesaid embargo of not selling the flat within period of five years.
11. Fact remains, the aforesaid stamp records that the petitioner would not be eligible to sell the above said flat within five years “*of the restoration of allotment*”.



12. When asked, learned counsel for respondent, on instructions, submitted that the date of restoration of the allotment in the present case has been taken as 22.04.2019 and, therefore, there is no requirement of stamping.

13. Learned counsel for the petitioner whereas submits that in all such cases where any such person is compelled to approach the Court, there cannot be any such embargo. Reliance in this regard has been placed upon *Dev Raj vs Delhi Development Authority:2022 SCC OnLine Del 1361*.

14. Be that as it may, since in view of the statement made today by learned counsel for respondent-Authority, who, categorically, submits that such period of five years is to be reckoned from the date of restoration of the allotment and since such period of five years has already elapsed, when reckoned from 22.04.2019, the petitioner is now left with no grievance.

15. The present petition is thus disposed of with direction to DDA to execute the *conveyance deed*, without there being any kind of stamping as was earlier proposed by them.

16. Needless to say, the petitioner would extend his cooperation and assistance and would be required to adhere to the requisite procedural formalities for the purposes of execution of *conveyance deed*.

17. Learned counsel for respondent though submits that in view of ensuing Assembly Election, a period of 12 weeks be given to do the needful.

18. However, keeping in mind the overall facts and circumstances of the case and also the fact that the petitioner is chasing for his flat since year 2010, this Court expects that this case is given due priority and the formalities



related to execution of *conveyance deed* are completed within a period of eight weeks from today.

19. Needless to say, since the petition has been disposed of on the basis of the specific instructions received by learned counsel of respondent-Authority, the legal issue has been left open.

20. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

DECEMBER 19, 2024/sw