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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
% ***Date of Decision: 19<sup>th</sup> December, 2024***  
+ **W.P.(C) 3707/2023 & CM APPL. 71119/2024**

RAVINDER KAUR

.....Petitioner

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

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Sanjay Katyal with Ms. Kritika  
Gupta, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The petitioner had earlier filed a writ petition which was registered as W.P.(C) No. 3570/2010 and such writ petition was allowed while directing the respondent to allot her MIG flat by issuing fresh demand-cum-allotment letter at the same cost at which demand was raised on others for the flats allotted at the draw of lots held on 31.03.2004.
2. Simultaneously, DDA was directed to do the needful within six weeks from the date of such order.
3. DDA, eventually, allotted the flat to the petitioner on 08.09.2015 and the possession thereof was handed over to her on 27.01.2022.



4. The grievance of the petitioner is that when she approached the respondent for the purposes of the execution of conveyance deed, she was apprised that there would be following stamp on the *conveyance deed*:-

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

5. Learned counsel for respondent submits that since the possession was restored in the present matter on 08.09.2015 and since the period of five years, if reckoned from the above said date, is already over, there is no requirement of any such stamping on the conveyance deed.

6. According to petitioner, since she had not been allotted the flat in normal course and since she was compelled to knock the doors of the Court and has been given the allotment and the possession at a very belated stage, she cannot be put under the aforesaid embargo of not selling the flat within period of five years.

7. 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*”.

8. 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 08.09.2015 and, therefore, there is no requirement of stamping.



9. 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*.

10. 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 08.09.2015, the petitioner is now left with no grievance.

11. 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.

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

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

14. However, keeping in mind the overall facts and circumstances of the case and also the fact that the petitioner is chasing for her 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.



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15. 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.

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

**(MANOJ JAIN)**  
**JUDGE**

**DECEMBER 19, 2024/sw**