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

+ **W.P.(C) 3337/2024 & CM APPL. 13748-13749/2024**

DEEPAK RAWAT

..... Petitioner

Through: Mr. Sidharth Joshi, Ms. Ambareen &
Ms. Nidhi Sharma, Advs.

versus

**DELHI DEVELOPMENT AUTHORITY THROUGH ITS
CHAIRMAN**

..... Respondent

Through: Mr. Sanjay Katyal, SC with Mr. Nihal
Singh, Adv. & Mr. Ashish Dixit, Law
Officer for DDA.
M: 8920345880
Email: sanjayklaw@yahoo.com

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
05.03.2024

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CM APPL. 13748/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 3337/2024 & CM APPL. 13749/2024

3. The present petition has been filed *inter-alia* for directing the respondent to decide the representation/complaint of the petitioner dated 28th March, 2019. There is further prayer for directions to the respondent to initiate action against misuse of the premises of the Non-Government Organization ("NGO") Manushi Sangathan, situated at Plot No. 3A, Pocket B, Sarita Vihar, New Delhi and to cancel its allotment letter dated 05th



September, 1997.

4. Learned counsel appearing for the petitioner has drawn the attention of this Court to the Table as given in the petition, which shows the various uses of the property by the aforesaid NGO. The table given in the petition is extracted as below:

<i>Sl. No.</i>	<i>Floors</i>	<i>Current used purpose</i>	<i>Appx. Monthly rent in lacs</i>
<i>A</i>	<i>Basement</i>	<i>Gym</i>	<i>2.25</i>
<i>B</i>	<i>Stilt</i>	<i>Clinic</i>	<i>0.75</i>
<i>C</i>	<i>Ground</i>	<i>Offices</i>	<i>1.25</i>
<i>D</i>	<i>First</i>	<i>Nursing Home</i>	<i>2.15</i>
<i>E</i>	<i>Second</i>	<i>Salon</i>	<i>2.10</i>
<i>F</i>	<i>Third</i>	<i>Construction Company</i>	<i>1.90</i>
<i>Total</i>			<i>10.40</i>

5. Learned counsel appearing for the petitioner submits that the Delhi Development Authority (“DDA”) vide letter dated 05th September, 1997 had allotted the land in question to the NGO, Manushi Sangathan, for the purpose of Charitable Women Welfare.

6. It is further submitted that despite being aware of the terms and conditions as mentioned in the allotment letter, the property which has been granted for the purpose of Charitable Women Welfare Center, is being misused for commercial purposes. She submits that Gym, Clinic, Salon and other misuse is being carried out from the property in question.

7. It is submitted that the petitioner had made a complaint dated 28th March, 2019. Since no response to the said complaint was received, the petitioner filed an application under Right to Information Act on 04th June, 2019 asking for the status of the action, initiated by the respondent.

8. Learned counsel appearing for the petitioner has drawn the attention



of this Court to the Show Cause Notice dated 19th June, 2019 issued by the respondent-DDA to the said NGO, Manushi Sangathan, which reads as under:

“DELHI DEVELOPMENT AUTHORITY
INSTITUTIONAL LAND BRANCH

No. F 12 (21)90/IL/7/8

Dated:- 19/6/19

To

The President,
Manushi Sangathan,
Plot No. 3A
Pkt B Sarita Vihar
New Delhi-110076

SHOW CAUSE NOTICE

WHEREAS by virtue of allotment letter dated 05.9.1997 Society was allotted a Plot No.3A measuring 475 Sqm. at Pocket-B, Sarita Vihar, New Delhi for construction of **Charitable Women Welfare Centre**. Physical possession was handed over on 06.10.1999.

AND WHEREAS by virtue of the clause-II (13) of the lease deed, the Lease shall not entitled without the written consent of the Lessor, to carry on, or permit to be carried on, on the allotted plot or in any building thereon any trade or business whatsoever or use the same or permit the same to be used for any purpose other than that of Library or do or suffer to be done therein any act, or this whatsoever which in the opinion of the Lessor may be nuisance, annoyance or disturbance to the Lessor and person living in neighbourhood.

AND WHEREAS on a specific complaint, site was inspected by the field staff on 08.6.2019 and it has been reported that:-

1. A fitness centre (Gym) namely Absolute Fitness is running in the basement.
2. A Beauty Parlour namely Geetanjali Studio is found functioning on 1st Floor of the building.
3. At the 2nd Floor an Acu vision Eye Centre is running.
4. At the 3rd Floor of the building an office of M/s. globe Construction Co. is found functioning.



Since the above mentioned activities are the violations of terms & conditions of allotment letter/Lease Deed and it is observed that Society has subletted the premises without prior permission of Lessor i.e. DDA.

Now, therefore, Society is directed to remove the unauthorized violations at the earliest and your reply be submitted within 15 days from the date of issue of this Show Cause Notice. In case your reply/compliance is not received within stipulated period, it will be presumed that Society has nothing to say in this regard and action for cancelation of allotment, including sealing the building will be initiated as per terms and conditions.

Dy. Director (IL)/DDA”

9. Considering the aforesaid factual matrix, it is directed that the present writ petition filed by the petitioner shall be considered as a representation by the DDA. Accordingly, the submissions made in the present writ petition shall be considered by the DDA. The DDA shall carry out inspection of the premises in question. In case, any misuse of the property is found, requisite action shall be taken in accordance with law.
10. The petitioner shall be informed by way of a written communication as regards any action that may be taken by the DDA against the premises in question.
11. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

MARCH 5, 2024/kr