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

+ **W.P.(C) 233/2024**

SUSHIL KUMAR JAINPetitioner

Through: **Mr. Puneet Sharma, Adv.**

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: **Ms. Chand Chopra and Mr. Punishk
Handa, Advs. for DDA.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **09.07.2025**

**CM APPL. 24415/2025 (by the petitioner under Section 151 CPC seeking
early hearing of petition)**

1. The present application has been filed on behalf of the petitioner seeking preponement of date of hearing.
2. For the reasons mentioned in the application, the same is allowed.
3. The application stands disposed of.

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4. With the consent of learned counsel for the parties, the petition is taken up for hearing today itself.
5. The present petition has been filed seeking setting aside/removal of illegal noting/condition restraining petitioner from selling the property bearing no.284, Pocket-6, Sector-23, Rohini, Delhi [hereinafter referred to as 'property'].
6. Mr. Puneet Sharma, learned counsel appearing on behalf of the petitioner invites attention of the Court to order dated 25.03.2025, to



contend that on the said date a submission was made by him to the effect that the case of petitioner is covered by the decision of Co-ordinate Bench of this Court in **Dev Raj v. Delhi Development Authority** [W.P.(C) 1814/2021].

7. Ms. Chand Chopra, learned counsel appearing on behalf of respondent/DDA had sought time to seek instructions in that behalf.

8. Ms. Chopra submits that she has instructions to state that the case of the petitioner is covered by the decision in **Dev Raj** (supra) and submits that directions passed in the said decision may also be passed in the present petition. The operative part of Dev Raj (supra) reads as under:-

“7. A perusal of the circular dated 13.09.2013, issued by the DDA, indicates that the circular had been issued because of several cases which have been brought to the notice of CBI, where persons had sought restoration of their allotment after a long period of time and the restoration was for dubious reasons. Paragraph number 1 of the said circular states that it was issued to verify the genuineness of the facts before the revival of the Demand-cum-Allotment Letter.

8. The said circular cannot be applied to the present case. In the instant case, the original allotment was made to the Petitioner and there is no doubt that the Petitioner was the original allottee. The Division Bench has categorically noted that the DDA erred by not issuing a letter to the permanent address of the Petitioner and allowed the Petitioner’s writ petition directing the allotment of the flat to the Petitioner. The present case is not one of revival of the allotment letter but a case where the Court has struck down the cancellation of the plot and restored the allotment. The said policy, therefore, cannot be made applicable to the Petitioner.

9. Had the Petitioner not come to the Court and the DDA had revived the allotment without any interference of the Court, then this circular may have applied. However, in view of the fact that this Court has restored the allotment of the flat, and the allotment has been given only to the original allottee from the original date, i.e. in the year 2003 or at least from 19.02.2014, this circular



cannot be said to be made applicable to the facts of the present case.

10. The condition stipulated in the conveyance deed restraining the Petitioner from selling the flat by way of executing a sale deed/ agreement to sell for a period of five years from the restoration of allotment cannot be made applicable in the instant case.”

9. In view of the above, it is directed that the condition stipulated in the conveyance deed dated 27.09.2023, thereby restraining the petitioner from selling the said property by way of executing a sale deed/agreement to sell for a period of five years from the actual date of possession is not applicable to the instant case.

10. The petition is disposed of in the above terms.

11. The next date already fixed in the petition i.e. 18.09.2025 stands cancelled.

VIKAS MAHAJAN, J

JULY 9, 2025/aj