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

+ **W.P.(C) 1529/2020 & CM APPL. 69589/2024**

ANITA AGGARWAL

.....Petitioner

Through: Mr. Nikhil Singhla and Ms. Bhawna
Chopra Rustagi, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Naveen Raheja, Mr. Anant Vijay
Singh and Ms. Apoorva Chandra, Advocates for
DDA.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

11.12.2025

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1. This writ petition is filed on behalf of the Petitioner under Article 226 of the Constitution of India for a direction to DDA to convert property bearing No. B-8, B Block, Main Market, Shopping Centre II, Phase I, Vivek Vihar, Delhi ('subject property') from leasehold to freehold as also to roll back the illegal claim of Rs. 6,85,453/- on account of misuser charges.

2. Case of the Petitioner as pleaded in the writ petition is that on 25.09.1969, mother of the Petitioner, namely, Smt. Ram Murti Devi received a letter from DDA to take over possession of the subject property. On 31.07.1971, father of the Petitioner, on behalf of his wife, sent a letter to DDA to execute the Lease Deed. On 19.08.1972, DDA wrote to Ram Murti to present herself before Sub-Registrar IV on 07.09.1972 for registration of the Lease Deed and on the said date, she signed on the Lease Deed and was



assured by DDA that the Lease Deed will be sent to her after completion of necessary formalities. It is averred that the subject property was leased out to Ram Murti under a perpetual lease.

3. It is stated that on 14.09.1972 show cause notice was sent by DDA to Ram Murti as to why the lease be not cancelled for non-construction/belated construction of the property to which a response was sent on 28.09.1972 informing that a wrong site plan had been sent with the Lease Deed and requesting for issuing the correct plan. There was no response from DDA till 18.04.1984, when notice of misuse of the subject property by a tenant was sent to the Petitioner, despite the fact that as per DDA's policy and noting in the present case by DDA dated 15.02.1985 that landlord cannot be held responsible for tenant's misuse.

4. It is stated that pursuant to the notice, Ram Murti filed suit No. 375/1991 before the Trial Court, where interim order was passed on 14.12.1993 restraining DDA from cancelling Lease Deed as also from dispossessing Ram Murti from the subject property, except by due process of law till final disposal of the suit. Ram Murti also filed a petition under Section 14(1)(k) of Delhi Rent Control Act against the tenant but vide judgment dated 09.09.1997, petition was dismissed on the ground that DDA has the right to defend its properties from encroachment and take action under statutory provisions.

5. It is further stated that on 12.02.2001, suit No. 375/1991 for permanent injunction filed by Ram Murti was dismissed but thereafter appeal bearing RCA No. 44/2001 filed by Ram Murti was allowed on 22.11.2003, whereby suit was decreed restraining DDA from cancelling the Lease Deed dated 13.06.1972 and supplementary Lease Deed dated



08.10.1974. This judgment was not challenged by DDA.

6. It is stated that in August, 2003, DDA opened a scheme for conversion of commercial/industrial plots from leasehold to freehold and on 19.01.2012, Ram Murti applied for conversion after depositing Rs.2,59,055/- towards conversion charges. A further sum of Rs.7,56,284/- was deposited on 22.03.2012 followed by deposit of Rs.47,433/- on 12.06.2012 towards outstanding conversion charges, as sought by DDA. On 25.11.2012, Ram Murti passed away bequeathing the subject property in favour of the Petitioner, being the youngest daughter, by a registered Will and this intimation was given to DDA vide letter dated 11.12.2012 by the father of the Petitioner with a request to convert the property to freehold and transfer the same in the name of the Petitioner.

7. It is stated that on 23.04.2013, a letter was sent by DDA to the father of the Petitioner intimating that the Petitioner will be required to mutate the property in her name before conversion could be carried out. In response, Petitioner submitted all requisite documents under covering letter dated 11.06.2013 as sought by DDA vide letter dated 23.04.2013. Thereafter, Petitioner followed up the matter with DDA by written representations and personal visits but there was no response, compelling the Petitioner to file W.P.(C) 7875/2015, which was disposed of on 18.08.2015 directing DDA to decide the application within six weeks. However, no decision was taken and Petitioner filed CONT. CAS (C) 97/2016 on 03.02.2016. DDA filed a response stating that a sum of Rs. 6,85,453/- was required to be deposited by the Petitioner towards misuse charges. In light of this stand of DDA, contempt petition was disposed of on 23.10.2019 giving liberty to the Petitioner to assail the demand of misuse charges and hence, this writ



petition.

8. Learned counsel for DDA, on instructions, submits that the subject property cannot be converted to freehold owing to the fact that Petitioner has failed to make a formal application in her own name as also that misuse charges are outstanding.

9. Responding to the twofold objections raised by DDA, learned counsel for the Petitioner submits that there is no merit in either of the two. It is urged that vide letter dated 11.12.2012, father of the Petitioner had informed DDA of the death of Ram Murti on 24.12.2012 after a prolonged legal battle with DDA and also requested to carry out conversion in the name of the Petitioner, in light of the registered Will of Ram Murti, bequeathing the property in favour of their youngest daughter. In response to the said letter, DDA wrote to him on 23.04.2013 stating that no conversion could be carried out till the property was mutated in favour of the Petitioner for which she will have to apply in her name and submit documents such as: (i) Death Certificate of Smt. Ram Murti Devi (Original); (ii) Attested copy of Will and also show original Will in this office; (iii) Occupancy Certificate; (iv) Original Bank Challan amounting to Rs. 47,433/-; and (v) All other documents required for Mutation as per booklet available at DDA sale counter in Vikas Sadan, all of which were furnished by the Petitioner under covering letter dated 11.06.2013 signed by the Petitioner. This letter indicates that Petitioner sought mutation in her name and therefore, it is not understood what more was required by DDA to carry out mutation. In fact, there is no communication which shows that any other format is prescribed for applying for mutation. As for the second objection pertaining to alleged misuse charges, learned counsel submits that the demand is illegal inasmuch



as while deciding appeal bearing RCA No. 44/2001, the Appellate Court had rendered a clear finding that there was no misuse of the property by Ram Murti and this order was never challenged by DDA. It is thus prayed that direction be issued to DDA to carry out mutation of the subject property in the name of the Petitioner after waiving the misuse charges and thereafter, convert the property from leasehold to freehold.

10. Heard learned counsels for the parties and examined their rival submissions.

11. Broadly understood, DDA is resisting the conversion of the subject property from leasehold to freehold on two grounds: (a) lack of formal application for mutation by the Petitioner; and (b) non-deposit of misuse charges. As for the second objection, learned counsel for DDA, on instructions, fairly does not dispute that in appeal being RCA No. 44/2001, Appellate Court had rendered a finding that there was no misuse of the subject property by Ram Murti and since the judgment was not challenged, misuse charges cannot be imposed on the Petitioner. As for the requirement of a formal application for mutation by the Petitioner, this Court finds merit in Petitioner's contention that vide letter dated 11.06.2013, Petitioner sought mutation of the property in her name and also submitted eight documents sought by DDA vide letter dated 23.04.2013. This in my view, meets the requirement of applying for mutation and this is particularly so, when even today DDA is unable to point out if there is a specific prescribed format for applying for mutation. Ram Murti has bequeathed the subject property by a registered Will in favour of the Petitioner and this fact finds mention in several communications by the father of the Petitioner to DDA. Thus, this Court finds no impediment in the way of the Petitioner in seeking mutation,



followed by conversion of the property from leasehold to freehold, considering that conversion charges stand deposited by Ram Murti and this fact is not in dispute.

12. Accordingly, this writ petition is allowed directing DDA to forthwith initiate the process of carrying out mutation of the subject property bearing No. B-8, B Block, Main Market, Shopping Centre II, Phase I, Vivek Vihar, Delhi in favour of the Petitioner followed by conversion to freehold. The misuse charges shall stand waived. The entire exercise will be completed by DDA within six weeks from today.

13. Writ petition stands disposed of along with pending application.

JYOTI SINGH, J

DECEMBER 11, 2025
S.Sharma