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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 18867/2006 & CM APPL. 65735/2024**
RAM MOHAN LUTHRA

.....Petitioner

Through: Mr. Hirein Sharma, Advocate.

versus

D.D.A & ANR

.....Respondent

Through: Ms. Shobhana Takiar, SC with Mr.
Kuljeet Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

27.02.2025

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1. One Ms. Sunita Arora had been allotted flat in question flat i.e. flat bearing No. A-160, Ground Floor, Category-II, Block BG-1, Paschim Puri, New Delhi on 22.07.1985.
2. There was an *agreement to sell* of the above said flat between Ms. Sunita Arora on one side and Mr. K G Luthra (father- in- law of the petitioner) and one Mr. R C Nagpal on the other.
3. Such agreement was executed on 17.10.1985.
4. Eventually, Mr. R C Nagpal also transferred his rights and share in favour of Mr. K G Luthra.
5. Mr. Luthra requested for conversion of the abovesaid flat from lease hold to free hold in his name and sent a request to DDA way back in 1995.
6. Unfortunately, Mr. K G Luthra is no more as he died in the year 1998.
7. DDA, in the interregnum, raised the demand of Rs. 33,65,928/- towards conversion and in the present writ petition, such demand has been



resisted and challenged.

8. However, stand of respondent-DDA is now on an altogether different horizon.

9. According to them, though, Ms. Sunita Arora had been allotted the above said Flat No. 169 A, Ground Floor, Category-II Block BG 1, Paschim Puri but her husband had also applied for allotment for a flat with DDA and he was also allotted separately another MIG flat, *albeit*, Rohini Residential Scheme on 23.11.1987. It is, also, highlighted by DDA that Ms. Sunita Arora and her husband (Mr. Satpal Kukreja) *already owned a free hold house at Naveen Shahadra, Delhi and such fact was never divulged by them and, therefore, the allotment of the above said flat of Paschim Puri was based on mis-representation and, therefore, since Sunita Arora herself was not eligible for allotment, the petitioner herein cannot derive any better title than her.*

10. Learned counsel for the petitioner, during course of the arguments, submitted that there are several precedents wherein a similar situation, respondent DDA has acknowledged the right of any such *bona fide purchaser* and permitted conversion and even revoked cancellation of flat.

11. After hearing arguments for some time, learned counsel for the petitioner, on instructions and without prejudice to his rights and contentions, seeks to withdraw the present writ petition with liberty to file a detailed representation in this regard before DDA.

12. Learned counsel for respondent-DDA submits that, as and when, any such representation is filed, DDA shall consider the same in accordance with their policy and in accordance with law.

13. In view of the above, the present writ petition is disposed of as not pressed.



14. All the rights and contentions of parties are reserved.
15. As prayed, the petitioner would be at liberty to file representation with DDA within a period of two weeks from today and, in case, any such representation is filed, DDA shall decide the same in accordance with law and also taking note of any precedents cited by the petitioner. Let decision be made as expeditiously as possible and, preferably, within ten weeks.
16. It is, however, clarified that this Court has not made any observation with respect to the merits of the case.

MANOJ JAIN, J

FEBRUARY 27, 2025/sw/ss