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

+ LPA 53/2026, CM APPL. 7308/2026 & CM APPL. 7309/2026

RAJEEV BEHL

.....Appellant

Through: Mr. Ashish Mohan, Senior Advocate
with Mr. Samyak Gangwal,
Advocate.

versus

LIEUTENANT GOVERNOR STATE OF NATIONAL CAPITAL
TERRITORY OF DELHI & ORS.

.....Respondents

Through: Mr. C. Mohan Rao, Senior Advocate
with Ms. Kritika Gupta, Ms. Niharika
Ahluwalia and Mr. Himagn Jain,
Advocates for DDA.
Mr. Kunal Tandon, Senior Advocate
with Mr. Saurabh Dev Karan Singh,
Mr. Prabhan Patel, Ms. Natasha and
Ms. Mahima Massey, Advocates for
R-5.

+ CONT.CAS(C) 758/2025 & CM APPL. 28941/2025

RAJEEV BEHL

.....Petitioner

Through: Mr. Ashish Mohan, Senior Advocate
with Mr. Samyak Gangwal,
Advocate.

versus

N SARVANA KUMAR, VICE CHAIRMAN, DELHI
DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. C. Mohan Rao, Senior Advocate
with Ms. Kritika Gupta, Ms. Niharika
Ahluwalia and Mr. Himagn Jain,
Advocates for DDA.
Mr. Kunal Tandon, Senior Advocate
with Mr. Saurabh Dev Karan Singh,
Mr. Prabhan Patel, Ms. Natasha and
Ms. Mahima Massey, Advocates for
R-5.



+ W.P.(C) 6868/2023, CM APPL. 26817/2023, CM APPL. 20841/2025,
CM APPL. 22063/2025, CM APPL. 43882/2025, CM APPL.
45951/2025, CM APPL. 65214/2025, CM APPL. 65235/2025, CM
APPL. 65244/2025, CM APPL. 65245/2025 & CM APPL. 6419/2026
RAJEEV BEHLPetitioner

Through: Mr. Ashish Mohan, Senior Advocate
with Mr. Samyak Gangwal,
Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr. C. Mohan Rao, Senior Advocate
with Ms. Kritika Gupta, Ms. Niharika
Ahluwalia and Mr. Himagn Jain,
Advocates for DDA.
Mr. Kunal Tandon, Senior Advocate
with Mr. Saurabh Dev Karan Singh,
Mr. Prabhan Patel, Ms. Natasha and
Ms. Mahima Massey, Advocates for
R-5.

+ W.P.(C) 5470/2025, CM APPL. 24935/2025 & CM APPL.
45967/2025
RAJEEV BEHLPetitioner

Through: Mr. Ashish Mohan, Senior Advocate
with Mr. Samyak Gangwal,
Advocate.

versus

LIEUTENANT GOVERNOR & ANR.Respondents

Through: Mr. C. Mohan Rao, Senior Advocate
with Ms. Kritika Gupta, Ms. Niharika
Ahluwalia and Mr. Himagn Jain,
Advocates for DDA.
Mr. Kunal Tandon, Senior Advocate
with Mr. Saurabh Dev Karan Singh,
Mr. Prabhan Patel, Ms. Natasha and
Ms. Mahima Massey, Advocates for
R-5.



CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
09.02.2026

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LPA 53/2026

1. Heard the learned Counsel for the Appellant, Mr. C. Mohan Rao, learned Senior Counsel representing the Delhi Development Authority (“DDA”) and Mr. Kunal Tandon, learned Senior Counsel, who has appeared for Respondent No. 5.
2. This Letters Patent Appeal questions the validity of the order dated 19.01.2026 passed by the learned Single Judge (“**Impugned Order**”) in W.P. (C) 5470/2025 (“**Writ Petition**”), whereby the application filed by the Appellant seeking recall of an earlier order dated 08.01.2026 has been rejected with a cost of ₹50,000/-.
3. By the order dated 08.01.2026, the learned Single Judge, after noticing the prayers made in the Writ Petition and also having regard to the statement made by the learned Counsel for the Appellant-Petitioner, ordered the Writ Petition to be listed before the Chief Justice for hearing the Petition or assigning it to some other Bench as a Public Interest Litigation (“**PIL**”) petition. The learned Single Judge also simultaneously issued the directions to the Appellant-Petitioner to comply with the requisite formalities for converting the Writ Petition into a PIL in terms of Delhi High Court PIL Rules.
4. As is apparent from the said order dated 08.01.2026, the order converting the Writ Petition into a PIL was passed by the learned Single



Judge in view of the prayer made to the said effect by the learned Counsel for the Appellant-Petitioner.

5. However, an application was moved by the Appellant-Petitioner seeking recall of the order dated 08.01.2026 to the extent that the Petition was not a PIL petition for the reason that the Appellant-Petitioner has a substantial private interest in the issues raised in the Writ Petition, specifically in relation to his share in the 'Emaya Mall'. The learned Single Judge, however, noticing the submissions made by the learned Counsel for the Appellant-Petitioner, including the submission that a wrong concession or admission on a question of law, made by a counsel is not binding on the litigant, rejected the said prayer by passing the Impugned Order.

6. If we peruse the Impugned Order, what we find is that the learned Single Judge has noticed certain averments made in the Writ Petition and has concluded that as per the pleadings in the Writ Petition, the application moved by the Appellant-Petitioner seeking recall of the order dated 08.01.2026 was only an abuse of the process of law.

7. For arriving at the conclusion as to whether the Writ Petition filed by the Appellant, in which the orders dated 08.01.2026 and 19.01.2026 have been passed by the learned Single Judge, is to be tried as a PIL petition or as a civil miscellaneous petition filed by the Appellant seeking protection of his alleged rights, we need to note certain facts.

8. The DDA, on 10.05.2007, had executed a lease in respect of certain land in favour of a company known as M/s S.S. Con Build Private Limited, Respondent No. 5 herein. On the said leased land, a shopping mall by the name of 'Emaya Mall' was constructed. The Appellant-Petitioner claims to be an erstwhile director and a shareholder in the said company.



9. For certain reasons, the lease dated 10.05.2007 granted in favour of M/s S.S. Con Build Private Limited was determined under the approval of the Lieutenant Governor of Delhi on 25.02.2020. The said order determining the lease has been recalled by means of the order dated 05.12.2024. It is this order dated 05.12.2024, which the Appellant-Petitioner has sought to challenge in the Writ Petition.

10. It has been stated and argued by the learned Counsel for the Appellant-Petitioner that in respect of the said property when despite determination of the lease, Respondent No. 5 was parting with the properties in the 'Emaya Mall', W.P. (C) 6868/2023 was instituted, which is pending consideration before this Court, with the prayer to restrain the Respondents from making any alienation, in the form of either sale or lease or in any other form, of the properties of the said Mall. He has further stated that since the order dated 05.12.2024, which is under challenge before the learned Single Judge in the Writ Petition, revives the same lease, which was earlier determined on 25.02.2020, the Appellant-Petitioner has sufficient interest in the matter and, therefore, the Petition ought to be treated as a civil miscellaneous petition and not as a PIL petition.

11. The learned Senior Counsel for the DDA has attempted to justify the order dated 05.12.2024, however, we refrain ourselves from making any comment on the said submissions for the reason that we are not considering the validity of the order dated 05.12.2024 at present.

12. Mr. Kunal Tandon, learned Senior Counsel representing Respondent No. 5 has vehemently denied all claims being put forth by the Appellant-Petitioner in the matter and has submitted that the grant of lease, its determination or thereafter its revival is a matter between the DDA and



Respondent No. 5, where the Appellant-Petitioner does not have any interest, hence if, at all, the Petition filed by the Appellant-Petitioner namely, W.P.(C) 5470/2025 is to be tried at his behest, it can be only through a PIL. However, he has also argued that even as a PIL, the proceedings of the said Writ Petition cannot be maintained by the Appellant-Petitioner.

13. Be that as it may, what we notice is that the learned Single Judge, while passing the Impugned Order, has noticed certain averments made in the Writ Petition, including the contention that the Writ Petition has been filed seeking judicial intervention to rectify the wrongs, uphold the rule of law and protect the public interest from irreparable loss and further that violation of the terms of lease is causing massive loss to the public exchequer and also that inaction on part of the Respondents in the said Writ Petition despite their attention having been drawn by the Appellant-Petitioner by writing various letters, is arbitrary and against the constitutional rights guaranteed under Article 19(1)(g), Article 21 and Article 300-A of the Constitution of India, 1950. The learned Single Judge has also noticed the assertion made in the Writ Petition by the Appellant-Petitioner that such inaction is causing huge loss to the Government and the public exchequer due to the alleged fraud of over ₹150 crores.

14. On the said basis, the learned Single Judge has refused to entertain the application filed by the Appellant-Petitioner seeking recall of the order dated 08.01.2026.

15. In our considered opinion, if there is an assertion made on behalf of the Appellant-Petitioner regarding his interest in the lease, revival of which was made by the order dated 05.12.2024, which is under challenge before



the learned Single Judge in the Writ Petition, the Appellant-Petitioner is entitled to maintain this Writ Petition not as a PIL petition, but as a petition seeking protection of his personal interest.

16. It is altogether a different matter that in his endeavour to challenge the said order dated 05.12.2024, certain grounds relating to inaction, etc. on part of the DDA not being in public interest, has also been taken. Merely because such a ground about an action / inaction or any act of omission or commission on part of the public authorities not being in public interest has been taken, the nature of a petition will not change to a PIL petition. What is to be seen and determined for the said purposes is as to whether any assertion is being made by the person filing the petition regarding his interest or right or any such claim of the person bringing the petition can be deduced from the averments made in the petition or not. Accordingly, we are of the opinion that the Writ Petition cannot be entertained as a PIL petition for the reason that the Appellant-Petitioner has been asserting his personal interest in the lease-in-question, revival of which is under challenge in the Writ Petition.

17. However, having observed as above, we also find that the Appellant-Petitioner has not been consistent in his stand and, therefore, he deserves to be saddled with cost. We, thus, allow the present Appeal and set aside the orders dated 08.01.2026 and 19.01.2026 passed by the learned Single Judge.

18. We also request the learned Single Judge to expedite the proceedings of W.P.(C) 6868/2023 and conclude the same as early as possible.

19. We make it clear that all the pleas legally available to the Parties in the proceedings of Writ Petition are kept open, including the plea as to the maintainability and locus, etc.



20. We quantify the cost to be paid by the Appellant to ₹1,00,000/-, which shall be deposited within a month to Delhi High Court Bar Clerks' Association (A/c No.15530100006282; IFSC Code: UCBA0001553), failing which the amount of cost shall be recovered by the Registrar General as Arrears of Land Revenue.

21. List the W.P.(C) 6868/2023 and W.P.(C) 5470/2025 along with CONT.CAS(C) 758/2025 before the learned Single Judge on 16.02.2026.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 9, 2026/sms