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

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Date of Decision: 12.05.2026+ **LPA 349/2026, CM Nos.31597/2026 & 31598/2026**DDA STAFF RESIDENTS WELFARE ASSOCIATION REGD.,
SECTOR 23, DWARKAAppellantThrough: Ms. Nandita Rao, Senior Advocate
with Mr. Hemant Singh, Mr. Aman
Bidhuri, Ms. Urvashi Jain & Mr. A.
Gupta, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY THROUGH
VICE CHAIRMANRespondentThrough: Ms. Prabhsahay Kaur, Mr. Bir Inder
Singh & Mr. Aditya Verma,
Advocates.**CORAM:**
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA**TEJAS KARIA, J. (ORAL)**

1. The present intra-court Appeal has been preferred against order dated 13.04.2026 (“**Impugned Order**”) passed in W.P.(C) 4258/2017 (“**Writ Petition**”) filed by the Appellant, whereby the Writ Petition seeking direction to the Respondent to allot temporary allotted flats to Group-C & D employees residing in Sector-23, Dwarka at the current cost or take out scheme for allotment of flats to the said employees, was dismissed.
2. The Appellant is a registered association representing Group-C & D employees of Respondent, who were allotted residential flats in Sector-23, Dwarka (“**Subject Flats**”) in or around 2002, owing to non-availability of



regular staff quarters. It is the case of the Appellant that the residential flats allotted to the members of the Appellant were never 'staff quarters', but were ordinary residential flats, forming part of DDA's Sale Housing Stock, which were temporarily allotted to its employees only as an interim arrangement. The Appellant has contended that these flats form part of a larger residential housing pocket consisting MIG and other residential units, many of which were sold by DDA to general public. Accordingly, it was submitted that the Subject Flats were residential in character, design and location and, thus, not service quarters governed by any service condition or statutory rule.

3. The Appellant has also contended that the Respondent / DDA has admitted in the internal notings and RTI disclosures that the Subject Flats were not staff quarters and only been temporarily allotted to its employees due to non-availability of staff accommodation. Further, out of 104 temporary allotted flats, Respondent / DDA has already sold a substantial number of similarly situated flats to general public under subsequent housing schemes, including the Premium Housing Scheme, 2026. It is the case of the Appellant that if in fact, the Subject Flats were staff quarters, Respondent / DDA could not have sold them by way of public draw on cash basis to third-parties. The very fact that the identical flats were sold to outsiders, establishes that the Subject Flats are ordinary residential flats capable of sale and are not staff accommodation, which cannot be transferred.

4. The Appellant relied upon the case of All India Naval Draughtsmen Association ("AINDA"), wherein Respondent / DDA had allotted 40 similar



flats in Sector-19, Dwarka to members of AINDA through its President, without any public scheme or transparent allotment policy. It is contended by the Appellant that the allotment of the flats to AINDA by Respondent / DDA in past through the Association mechanism shows that Respondent / DDA has allotted residential flats to similarly placed employees without any formal public scheme or transparent allotment policy.

5. The Appellant has contended that this is a clear case of hostile discrimination and unequal treatment in violation of Article 14 of Constitution of India, 1950 (“**Constitution**”). The Appellant merely seeks equal treatment and without claiming any concession, has offered to purchase the Subject Flats at the prevailing / current rates, at which Respondent / DDA is selling similar flats to general public.

6. Accordingly, the Appellant filed the Writ Petition, which has been dismissed *vide* the Impugned Order. The learned Single Judge has observed that the members of the Appellant do not have any lien or entitlement to ownership of the Subject Flats belonging to Respondent / DDA. Further, the Impugned Order has held that the learned Single Judge, exercising the writ jurisdiction under Article 226 and 227 of the Constitution, cannot enter into the policy decision and the issue with regard to selling of the Subject Flats to the members of the Appellant is purely a policy matter within the domain of Respondent / DDA, being the land-owning agency.

7. The learned Single Judge has held that the Appellant cannot seek parity with AINDA since the flats were allotted to AINDA by Respondent / DDA in terms of the resolution dated 22.03.1996, wherein it was resolved to earmark certain flats for allotment to Public Sector Undertaking (“**PSU**”)



Organisation. Accordingly, the allotment to AINDA was made under policy decision, involving institutional allotments to PSU Organisations and, therefore, no parity can be claimed by the Appellant.

8. The Appellant has filed the present Appeal being aggrieved by the Impugned Order.

9. We have heard the learned Counsel for the Parties.

10. Having considered the submissions on behalf of the Appellant, we find that the members of the Appellant were allotted the Subject Flats in or around the year 2002 due to non-availability of regular staff quarters. Although the Appellant has contended that the Subject Flats were not staff quarters but regular residential flats temporarily allotted to the members of the Appellant as an interim arrangement, there is nothing on record to show that the same were not staff quarters. Even the notice dated 20.04.2026 issued by Respondent / DDA refers to the Subject Flats as staff quarters. Admittedly, the members of the Appellant have either retired or are on verge of retirement from the services of Respondent / DDA and have no right to continue occupation of the Subject Flats.

11. The members of the Appellant do not have any vested rights to continue the occupation of the Subject Flats after their retirement from the services of Respondent / DDA. The Appellant has prayed in the Writ Petition for allotment of the Subject Flats to the occupants, who are the members of the Appellant by forming a policy of allotment, which was not found favour with the learned Single Judge. The Impugned Order has rightly held that the Court while exercising the writ jurisdiction cannot enter into the realm of policy decision, which is the prerogative of Respondent / DDA.



12. As regards the parity between AINDA and the Appellant, it is observed in the Impugned Order that the case of AINDA was distinguishable on the ground that there was a policy decision to earmark certain flats for the allotment to PSU Organisation. In the present case, the Subject Flats were allotted to the employees of Respondent / DDA in lieu of the staff quarters and, therefore, there is no entitlement of the members of the Appellant to retain occupation or seek allotment of the Subject Flats at the prevailing market rates. In absence of any right for granting allotment of the Subject Flats to the members of the Appellant, no direction can be issued to Respondent / DDA for either earmarking or allotting the Subject Flats to the members of the Appellant.

13. Since the members of the Appellant are not entitled to seek allotment on the ground of parity with AINDA, they have no other legal argument to seek direction against Respondent / DDA for granting allotment of the Subject Flats to the members of the Appellant. The Appellant has no case to pray for seeking direction against Respondent / DDA for making policy for allotment of the Subject Flats to the members of the Appellant as no special equity has been established by the Appellant for the same.

14. In view of the above, the Impugned Order has rightly dismissed the Writ Petition finding that the issue of allotment of the Subject Flats to the members of the Appellant is purely a policy matter and the Court cannot enter into the said domain. As Respondent / DDA is the owner of the Subject Flats, it is entitled to deal with the same in the manner it deems appropriate. The length of stay by the members of the Appellant in the Subject Flats does not create any right in their favour.



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15. Therefore, no case is made out by the Appellant for interfering with the Impugned Order in this Appeal. Accordingly, the Impugned Order is upheld.

16. However, considering that the members of the Appellant are occupying the Subject Flats for more than 23 years, it is directed that they shall be granted two months from today to vacate the Subject Flats occupied by them by Respondent / DDA, if any such request is received.

17. Hence, the present Appeal is disposed of with the aforesaid direction. The pending Applications also stand disposed of.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 12, 2026/sms