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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. 159/2026, CM APPL. 35361/2026 & CM APPL. 35362/2026.
DELHI DEVELOPMENT AUTHORITY THROUGH ITS
CHAIRMANPetitioner

Through: Mr. Ashwini Kumar Mata, Sr.
Advocate along with Mr. Animesh
Kumar Gaba, Mr. Jatin Sharma,
Advocates.

versus

VASANT SURGICO MEDICAL CENTRE PVT. LTD. THROUGH
ITS DIRECTORRespondent

Through: Mr. Rajiv Kumar Ghawana, Advocate
with Mr. Ashish Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
22.05.2026

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1. This petition has been filed assailing order dated 23rd February 2026, passed by the Civil Judge, West, Tis Hazari Courts in *Ex. 518/2018* (***'Executing Court'***), rejecting the objections filed by Delhi Development Authority (***'DDA'***)/ Judgment Debtor (***'JD'***) to the Execution Petition filed by the respondent/Decree Holder (***'DH'***).
2. The execution petition sought directions to DDA/JD to process the conversion application of the respondent/DH regarding *Plot No. B, Community Centre, Basant Lok, Vasant Vihar, New Delhi* (hereinafter, ***'subject property'***) and to execute the conveyance deed in favour of respondent/DH. These were made on the basis of a consent order, passed on 17th October 2008.



3. One of the issues raised by *Mr. Ashwini Kumar Mata*, Senior Counsel, for DDA/JD, was of pending dues towards unearned increase. However, this issue stood crystallized by way of consent order dated 17th October 2008. Moreover, the said order was challenged in *C.R.P. No. 43/2014*, whereby, this Court passed an order on 25th February 2016, dismissing the revision petition, as also noticing categorically that no ground for review was made out. It was noted that DDA/JD had agreed to receive a sum of Rs. 23,91,238/- and it did not lie in their mouths to assail the order.
4. This was further challenged before the Supreme Court in *SLP No. 23113/2016*, which was dismissed by the Supreme Court by order dated 05th January 2017.
5. This issue having reached its fruition and conclusion, respondent/DH filed *Ex. 518/2018*, in which objections were filed in 2019.
6. A new objection was then taken by DDA/JD, as regards the unauthorised use of the basement for hospital purposes in violation of the lease deed and encroachments in the service lane for guard room, etc.
7. Response filed by respondent/DH to the objections stated that the basement was being used as a waiting area and for storage purposes. In any event, the waiting area had been shifted to the ground floor and as on date, the basement was being used only for storage purposes.
8. As regards the encroachment, it was stated that the structure as shown in the photographs was, in fact, a urinal and even the said structure had been removed by respondent/DH.
9. Thereafter, by order dated 27th September 2019, an inspection was carried out, which has been noted in their impugned order, while rejecting the objections. Impugned order has noted in *paragraph 11*, that a fresh



inspection was conducted by DDA on 29th February 2020, which recorded the basement as vacant/non-operational, guard room and platform on the backside to be already removed, building to be constructed up to the 2nd floor and lastly, that the sanction plan was not produced at the time of inspection.

10. The impugned order noted that this report did not record any continuing use of the basement, nor did it flag any issues or misuse of the property. Moreover, the unresolved issues had already been taken care of by the consent order. Taking that view, the impugned order was passed and cost of Rs. 20,000/- was imposed on DDA/JD.

11. *Mr. Rajiv Ghawana*, counsel for respondent/DH, points out that even otherwise, as per the scheme of conversion, issued by DDA/JD, *clause 10 (iv)* provides that conversion to freehold shall not be permitted in respect of properties and encroachment on government land. Considering that it had been removed, the question of various objections being sustained did not arise.

12. *Mr. Ashwini Kumar Mata*, Senior Counsel for DDA/JD, states that there is a construction on the property, which is not as per the sanctioned plan. However, DDA/JD cannot raise a continuing set of issues, despite the consent order being passed in 2008 and keep their objections simmering.

13. Even post conversion, in a freehold property, DDA is fully empowered to raise an issue relating to a breach of their regulations. Liberty in law subsists in the favour of DDA.

14. However, there is no reason as to why the execution should be stopped for conversion into freehold, particularly, considering the long history of litigation, which has stood crystallised in favour of respondent/DH



on numerous occasions.

15. In view of the same, petition stands dismissed. Pending applications (if any) are rendered infructuous.

16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 22, 2026/RK/sp