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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 449/2026, CM APPL. 38801/2026, CM APPL. 38802/2026 &
CM APPL. 38803/2026
VINOD KUMARAppellant
Through: Mr. N. Prabhakar and Mr. Dhruv
Sharma, Advocates.

versus

UNION OF INDIA AND ANRRespondents
Through: Ms. Shobhana Takiar, Standing
Counsel, DDA.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA
HON'BLE MS. JUSTICE MADHU JAIN

ORDER
17.06.2026

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1. This is a Letters Patent Appeal challenging the order dated 26.05.2026 (**"Impugned Order"**) passed in W.P.(C) 7222/2026 (**"Writ Petition"**), whereby the Writ Petition filed by the Appellant seeking direction against the Respondents restraining them from taking over the possession of the property No. 83-A, *Khasra* No. 1199 in Village Kishangarh, Mehrauli, New Delhi (**"Property"**) and to restore the lease granted by the Delhi Development Authority (**"DDA"**) in terms of the new comprehensive policy dated 05.05.2016 (**"Policy"**) published by the DDA was dismissed.
2. The learned Single Judge dismissed the Writ Petition on the ground that the Appellant had previously filed a civil suit which was dismissed as withdrawn on 23.08.2024 to apply for compounding and, therefore, the Writ Petition seeking the same remedy was not maintainable. It was further



observed that the Appellant has availed of its legal rights and enjoyed the interim protection for more than 20 years and once the Appellant had availed his judicial remedy and continued with the suit for more than 20 years, thereafter, withdrawing the suit disentitled the Appellant from filing the Writ Petition seeking the identical relief that was sought in the suit.

3. The learned Single Judge has also observed that the reply filed by DDA in the suit was sufficient notice to the Appellant regarding the intention of the DDA to remove the Appellant from the Property. In view of the same, the learned Single Judge observed that DDA had followed due process of law and given due notice by opposing the suit filed by the Appellant, which was ultimately dismissed as withdrawn. Accordingly, the Writ Petition was found to be without any merit and came to be dismissed. At the same time, the learned Single Judge directed the Respondents to consider the application filed by the Appellant for compounding without being influenced by the Impugned Order in accordance with the extant rules and regulations.

4. The learned Counsel for the Appellant submitted that the learned Single Judge failed to appreciate that the Appellant cannot be dispossessed from the Property without following the due process of law and the reply filed in the suit cannot be treated as a sufficient notice for eviction of the Appellant. It was further submitted on behalf of the Appellant that the withdrawal of the civil suit did not forfeit the right of the Appellant to approach the DDA for compounding in terms of the Policy as the suit was withdrawn for the said specific reason. In view of the same, it was submitted on behalf of the Appellant that the withdrawal of suit cannot be treated as *res judicata*.

5. It was also submitted on behalf of the Appellant that after withdrawal of the suit, the Appellant has made a request dated 13.11.2025 for restoring



the lease of the Property, however, the same has not been decided by the DDA and at the same time, the possession of the Property is sought to be taken from the Appellant without following due process of law.

6. The learned Counsel for the Appellant submitted that the Appellant has already deposited the misuse charges as per the Policy and the Challans dated 06.11.2015 and 20.07.2023 for the payment of misuse charges has already been annexed along with the request dated 13.11.2025 sent by the Appellant to the Respondents.

7. The learned Counsel for the Appellant submitted that when the Appellant approached the Civil Court by filing an application for return of the original lease deed, in reply to that application the DDA stated that the lease deed had become void by operation of law and if the same is returned to the Appellant, it may result in the misuse of the document and the title and ownership rights of the DDA may adversely be affected. It was submitted that despite the objection by the DDA, *vide* order dated 15.05.2026, the learned Civil Court returned back the original lease deed of the Property to the Appellant and granted liberty to the DDA to avail its legal remedies.

8. It was further submitted on behalf of the Appellant that in view of the above, the Appellant apprehends that DDA is likely to take over the possession of the Property without following due process of law.

9. The learned Counsel for the DDA has submitted that the Appellant is illegally in the possession of the Property and the learned Single Judge has rightly observed that by contesting the suit filed by the Appellant, the DDA has given sufficient notice with regard to the right of the DDA to recover the possession of the Property illegally retained by the Appellant for more than 20 years after the termination of the lease under the guise of the interim



protection granted by the learned Civil Court. Accordingly, it was submitted on behalf of the DDA that the DDA is entitled to recover the possession of the Property illegally withheld by the Appellant.

10. It was further submitted on behalf of the DDA that the Policy is not applicable to the Appellant as the lease has already been terminated in 2003 and the benefit of the Policy can only be availed by the lessees who have subsisting lease in their favours. It was submitted on behalf of the DDA that once the lease was terminated and the suit was withdrawn by the Appellant, the Appellant has no right to continue with the possession of the Property and the DDA is entitled to recover the same. It was also submitted on behalf of the DDA that the Appellant had sufficient notice since filing of the civil suit seeking the relief against the termination of the lease that the lease was no longer in subsistence since 2003.

11. The learned Counsel for the DDA submitted that there is no infirmity with the Impugned Order passed by the learned Single Judge as the Appellant cannot enjoy the benefit of the Property after withdrawal of the suit by filing the Writ Petition claiming identical relief that was sought in the suit filed by the Appellant. Therefore, it was submitted by the learned Counsel for the DDA that the Appeal deserves to be dismissed.

12. We have considered the submissions made on behalf of the Appellant as well as the DDA and are of the opinion that withdrawal of the suit by the Appellant for applying for the compounding cannot take away the right of the Appellant to apply for the compounding. Accordingly, the learned Single Judge has rightly directed the DDA to consider the request made by the Appellant for compounding and continuation of the lease.



13. Upon a query put to the learned Counsel for the DDA during the course of the hearing as to the reason for not deciding the request of the Appellant for compounding dated 13.11.2025, the learned Counsel for DDA submitted that the DDA will decide the same within a period of three weeks from the date.

14. In view of the above statement made by the learned Counsel on behalf of the DDA, we dispose of this Appeal with a direction to the DDA to decide the request dated 13.11.2025 made by the Appellant for compounding the misuse of the Property and continuation of the lease within a period of three weeks from the date. It is further directed that the DDA shall not take the possession of the Property without following the due process of law till such time the DDA decides the request dated 13.11.2025 made by the Appellant.

15. The Appellant shall be entitled to take appropriate remedy against the decision made by the DDA on the request dated 13.11.2025 made by the Appellant in accordance with law.

16. The Appeal along with the pending Applications stands disposed of with the aforesaid directions.

TEJAS KARIA, J
(VACATION JUDGE)

MADHU JAIN, J
(VACATION JUDGE)

JUNE 17, 2026

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