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

+ **W.P.(C) 15689/2023**

JAI BHAGWAN SHARMA

.....Petitioner

Through: Mr. Dhanesh Relan, Adv
versus

DELHI DEVELOPMENT AUTHORITY & ORS. ...Respondents

Through: Mr. Sanjay Katyal (Standing Counsel
for DDA) with Mr. Nitish Kumar Danda (Adv)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **04.05.2026**

CM APPL. 29396/2026

1. This is an application filed under Section 151 of the CPC, 1908 seeking early hearing of the main petition.
2. For the reasons stated in the application, issue notice.
3. Mr. Katyal, learned standing counsel accepts notice on behalf of the respondent Nos. 1 and 2/DDA.
4. For the reasons stated in the application, the application is allowed and the next date of hearing in the main petition shall be preponed from 14.08.2026 to 04.05.2026 i.e., today itself.
5. The present application is disposed of in aforesaid terms.

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6. In view of the above, the matter is being taken up for hearing.
7. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers(s):-

“A. Issue a writ of Mandamus, or any other appropriate writ,



order or direction thereby directing the respondents to convert the plot of the petitioner from lease hold to free hold; ...”

8. The case of the petitioner is that the petitioner is an allottee of residential plot No. 56, Block G, in the layout plan of Malviya Nagar Extension, Residential Scheme admeasuring an area of 104.512 sq. mtrs/125 sq. yds and is in possession for more than 40 years. The petitioner also has a duly registered lease deed dated 11.04.1980, a sanction plan dated 14.07.1980 and a completion plan dated 26.05.1981.
9. The petitioner applied for conversion of the said property from leasehold to freehold. However, since the said property was not being converted, the petitioner has filed the present petition seeking conversion.
10. Mr. Katyal, learned standing counsel for DDA, draws my attention to paragraph No. 5 of the “Short Counter Affidavit on behalf of the respondent No. 1 and 2”, which reads as under:-

“5. That later a letter dated 17.02.1981 was received from Joint Secretary (L&B) wherein it was reported that recommendation in 43 cases found forged as no files opened. The name of Shri Jai Bhagwan Sharma is included in the list at Sr. No. 14. After giving show cause notice, lease deed of the plot was determined with the approval of Lieutenant Governor on 28.02.2006. Copy of the letter dated 17.02.1981 is annexed hereto as Annexure R-1.”

11. He states that since the Central Bureau of Investigation (“**CBI**”) is



conducting an investigation in forged allotment, the conversion application cannot be allowed and is pending inquiry before the CBI pursuant to the directions contained in order dated 18.03.2024 passed in W.P.(C) 2802/2020.

12. I have heard learned counsels for the parties.
13. In this view of the matter, Mr. Relan, learned counsel for the petitioner, does not press the present petition for conversion of the said property from leasehold to freehold. However, he states that the proceedings before the Estate Officer under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 have been initiated by the DDA which cannot continue at this stage.
14. From the aforesaid facts, as of today, it seems that there are allegations of fraudulent allotment in favour of the petitioner in respect of the plot in question. The same is pending investigation before the CBI and to the best of the knowledge of the petitioner, no charge sheet has been filed. The document also suggests that the petitioner entered into possession through registered document in his favour, issued by the respondent.
15. In this view of the matter, I am inclined to grant limited relief to the petitioner. The petitioner is not an illegal/ unauthorised occupant till there is a finding of fraud and forgery in the allotment. Hence, the proceedings before the Estate Officer are stayed till the investigation of the CBI is completed.
16. In case the CBI files a charge sheet against the petitioner, the proceedings can always be revived subject to the legal rights of the petitioner to challenge the same.



17. An affidavit has already been filed by the petitioner in this regard which is on Court record.
18. In case no charge sheet is filed against the petitioner, the petitioner shall be at liberty to revive the prayer made in the present petition.
19. The present petition is disposed of in the aforesaid terms.
20. The next date of hearing i.e., 14.08.2026, stands cancelled.

JASMEET SINGH, J

MAY 4, 2026 / (MS)