



\$~78

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11974/2024 & CM APPL. 972/2026**
ANUJ JAIN & ORS.

.....Petitioner

Through: Mr Ashish Aggarwal, Mr. Gurkamal
Hora and Ms. Tanya Aggarwal, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Mr. Arjun Mahajan, SC for DDA
with Mr. Apoorv Upmanyu, Mr. Harsh Vashisht,
Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
09.01.2026

%

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the writ of *mandamus* directing the respondent No.1 to convert lease hold rights into free hold rights in respect of the properties being 2nd Floor, back portion, Plot No. 11, Block-BA (West), Shalimar Bagh, Delhi-110088, 2nd Floor, front portion, Plot No.11, Block-BA (West), Shalimar Bagh, Delhi-110088, 1st Floor, Front portion, Plot no. 11, Block-BA (West), Shalimar Bagh, Delhi-110088 and 1st Floor, back portion, Plot no. 11, Block-BA (West), Shalimar Bagh, Delhi-110088 (inadvertently missed out in the prayer clause).
2. Mr. Aggarwal, learned counsel for the petitioners draws my attention to the conversion policy of the respondent dated 20.08.2014 and more particularly paragraph d which reads as under:-



“d) Conversion of individual flats/floors/shops in such complexes will be subject to the owner paying the proportionate amount of total outstanding dues like ground rent, misuse charges etc. in respect of the property as a whole plus the dues that are attributable to the particular flat/ shop being considered for conversion - In respect of aforesaid clause, it is clarified that the proportionate amount of common dues like ground rent etc. will continue but any penalty charges like misuse, damages etc. It should be payable only by the owner/occupier of floor who was misusing the property. In the property has been rebuilt and the penalty charges are leviable prior to a time when the present structure came up then proportionate charges may be recovered from all the owners.

For floor wise conversion, a certificate from re-gistered architect regarding area of plot, plinth area of plot, total number of flats, total number of floors, conversion area, plinth area of flat, proportionate common area, etc. can be taken for calculation of conversion charges.”

3. The prayer of the petitioners is squarely covered by the paragraph ‘d’ of the conversion policy.
4. Mr. Mahajan, learned Standing Counsel for the respondent states that the basement floor of the said property has been misused contrary to the bye laws and hence, there are misuser charges *qua* the said portion.
5. He states that the respondent will convert the above said portions, provided all the owners give affidavit indicating that they are not concerned in any manner with the ownership of the basement portion



of the said property and have no objection to the respondent sealing the basement portion of the property and auctioning it to recover its misuser charges.

6. Mr. Aggarwal, learned counsel will provide the said affidavit.
7. Subject to the petitioners filing the said affidavit within 4 weeks from today and filing new application for conversion, the respondent shall convert the 4 portions of the property indicated above from leasehold to freehold expeditiously and in any case not later than 8 weeks from filing the new application.
8. The petition is disposed of in the aforesaid terms.

JANUARY 9, 2026 / (MS)

JASMEET SINGH, J