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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5490/2005 & CM APPL. 49798/2019**
SHRI RAM RAKHA MAL

.....Petitioner

Through: Sr. Adv. Mr. Sanjay Dewan with Mr.
Devachar, Mr. Nikhil Goel, Ms. Arshia Kohli,
Advs.

versus

DDA

.....Respondent

Through: Mr. Gaurav Dua, Mr. Manish Gupta
and Ms Ayushi Tyagi, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
09.01.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following relief:

“it is, therefore, respectfully prayed that this Hon'ble Court may graciously be pleased to issue appropriate writ, order or direction to the Respondent to substitute the name of the Petitioner in place of Shri Tilak Raj with respect to plot No. 843, Dr. Mukherjee Nagar, Kingsway Camp, Delhi-110009 in their records and to deal with him as owner/allottee of the said plot.”

2. Mr. Dewan, learned Senior Counsel for the petitioner, states that one Mr. Roop Lal was the allottee/lessee of the plot bearing No. 843 measuring 160 sq. yds. situated at Dr. Mukherjee Nagar, Delhi. The



allotment of the aforesaid property was in lieu of one government-built property i.e. Qtr. No. H-163, Hudson Land, Kingsway Camp, Delhi. Subsequently, the original allottee i.e. Mr. Roop Lal entered into an Agreement to Sell with the petitioner for sale of the said plot by virtue of an Agreement to Sell dated 10.11.1971.

3. The allottee Mr. Roop Lal also sought prior permission to sell the said property to the petitioner in accordance with the policy of Land and Development Office (“**L&DO**”). The said permission was duly granted by the L&DO on 10.03.1977 which reads as under:

Government of India
Ministry of Works and Housing
Office of the Land and Development Officer

No. I.../.../27/(1690)/76

Dated the 10th

March 77

To

Shri Om Parkash,
Attorney of Sh. Roop Lal,
G-39, Hudson Lines,
Kingsway camp, Delhi

Sub: Grant of permission for sale under Section 27 of the Urban Land (Ceiling & Regulation), Act, 1976 in respect of property No. H/163, Hudson Lines, Kingsway Camp, Delhi.

Dear Sir,

Please refer to your application under Section 27(2) of the Urban Land (Ceiling & Regulation) Act, 1976 received in the office on 31.3.77.



The permission to sell the aforesaid property in favour of Sh. Ram Rakha Mal S/o Sh Pardhan Mal as sought by you, is hereby granted.

Yours faithfully,

Sd/-
(....)

4. However, since the original allottee changed his mind by not going ahead with selling the property to the petitioner, the petitioner filed a suit for specific performance being Suit No. 61 of 1982 (old No. 243 of 1974) which was decreed as per judgment dated 24.08.1983 by the Court of the then Civil Judge, Tis Hazari Courts, Delhi in favour of the petitioner. The judgment was assailed by the son of Mr. Roop Lal, till Hon'ble Supreme Court and the SLP was dismissed on 02.03.1993, thereby conferring finality upon the aforesaid decree.
5. The legal heirs of Mr. Roop Lal also filed a suit for injunction which was dismissed on the principle of *res judicata*. Hence, the decree of specific performance for plot bearing No. 843 measuring 160 sq. yds. situated at Dr. Mukherjee Nagar, Delhi in favour of the petitioner has attained finality.
6. Against this backdrop, the petitioner applied for mutation of the property on the basis of the aforesaid decree. However, the permission was declined on 13.10.2003 and the reason for the same reads as under:-



ANNEXURE 'E'

DELHI DEVELOPMENT AUTHORITY
(OLD SCHEME BRANCH)
VIRAS SADAN, INA

No. L7(843)/8/OSB/21143

Dated: 13/10/03

From: K.S. Budgnjer,
Dy. Director (OSB)

To,

Shri Ram Rakha Mal,
777, Dr. Mukherjee Nagar,
Delhi- 110009

Sub: Allotment/possession of Plot No. 843
Dr. Mukherjee Nagar, Delhi-110009.

Sir,

With reference to your letter dated 21.8.2003 on the above cited subject, I am directed to inform you that the allotment of Plot No.843, Dr. Mukherjee Nagar, Delhi-110009 to you has already been examined in detail and rejected since plot No. 777, Dr. Mukherjee Nagar, Delhi-110009 has already been allowed to you under the Rehabilitation Scheme.

Yours faithfully,

(K.S. Budgnjer,
Dy Director (OSB))

7. This order of denial of mutation dated 13.10.2003, is the primary



subject matter of this petition, whereby the permission to substitute the name of the petitioner in records was denied on the ground that the petitioner was already allotted a plot bearing No. 777 in Dr. Mukherjee Nagar, Delhi in lieu of his quarter bearing No. B-132, Outram Line, Kingsway Camp under the rehabilitation scheme.

8. Mr. Dua, learned counsel for the respondent i.e. DDA, has very ably argued his matter and states that it is a case of double allotment and the mutation/ substitution has been declined as per the policy.
9. Mr. Dua, also draws my attention to the relevant paragraph of the decision of the Government of India contained in the Ministry of Works and Housing, letter No. K-17011/70/83-DDIA dated 19.06.1985, which postulates as under:

“The benefit of alternative plots at concessional rates should not be extended to those residents who have already rehabilitated themselves by acquiring some private property.”

10. Further, he states that if a person such as the petitioner is having one residential unit as part of an allotment under the scheme, he cannot be allotted another residential unit in the same scheme at the concessional rate. Hence, he contends that the rejection letter is justified.
11. I have heard learned counsels for the parties.
12. In the present case, there is inherent fallacy in the argument of the respondent as it is not a case of subsequent or a second allotment at concessional rate, but a case where the petitioner had been granted one plot under the allotment scheme on a concessional rate and the other plot which he purchased in the open market by paying the market rates as a commercial deal.



13. The petitioner has not taken the benefit of any concessional rate or obtained an alternative plot under the scheme of rehabilitation. The commercial deal of purchasing the second plot, namely, plot bearing No. 843 measuring 160 sq. yds. situated at Dr. Mukherjee Nagar, Delhi, has already fructified into a decree of specific performance which has attained finality. The argument of the DDA would have merited consideration had both the plots been obtained by the petitioner at concessional rates, which is not the case here in the present petition.
14. For the said reasons, I am not inclined to accept the argument of the respondent that the petitioner has obtained two plots at concessional rates and therefore cannot be granted the benefit of mutation of his second plot.
15. Consequently, the present petition is allowed.
16. The respondent shall substitute the name of the petitioner in place of Mr. Roop Lal/ his LRs (Mr. Tilak Raj) in respect of plot bearing No. 843 situated at Dr. Mukherjee Nagar, Kingsway Camp, Delhi-110009 expeditiously and in any case, not later than 8 weeks from today.
17. The petition is disposed of in the aforesaid terms.
18. The documents handed over in Court today are taken on record.

JASMEET SINGH, J

JANUARY 9, 2026 / (MS)