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

+ **W.P.(C) 15597/2025**

LT COL J S AHLAWAT RETD

.....Petitioner

Through: Mr. Sachin Chawla, Adv. (through VC)
with petitioner-in-person

versus

GOVERNMENT NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Nitin Kumar, Panel Counsel for
GNCTD for R1, R3 and R5 with Mr.
Naveen, fire operator
Mr. Tushar Sannu, Mr. Fajallu Rehman
and Ms. Kritika Gupta, Advs. for
R4/DDA

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **12.01.2026**

1. The present petition has been filed, *inter alia*, challenging the demand raised by the Respondent No. 4 - Ashoka Enclave CGHS Ltd. (hereinafter “Society”) in respect of an additional car parking. The reliefs sought in the present petition are as under:

“A. Issue a writ of Certiorari quashing the illegal demand for additional car parking by Respondent No. 4 society;

B. Issue a writ of Mandamus directing Respondent No. 2 (DDA) to provide, forthwith, a definitive and public clarification regarding ownership, use, lease or sale rights of common areas of group housing societies under its jurisdiction;

C. Direct DDA to initiate disciplinary and legal action against its officers for failing to act on repeated statutory violations, despite show-cause notices, CPGR+AMS



complaints and vigilance alerts;

D. Direct the Registrar of Cooperative Societies and DDA to investigate the sale and misuse of common areas, and initiate prosecution against the Managing Committee members of Respondent No. 4 society for breach of public trust and illegal profiteering;

E. Pass directions to prevent coercive action by the society against the Petitioner during the pendency of the petition, including threat of eviction, disconnection or seizure of flat/parking;

F. Award exemplary costs and compensation to the Petitioner for mental harassment, abuse of process, and violation of fundamental rights caused by deliberate inaction of public bodies;”

2. In the present case, the grievance of the Petitioner appears to be that the Society cannot charge parking charges. The brief facts of the case are that the Petitioner is a senior citizen and a member of the Society. The Petitioner was allotted a flat in the Society along with one car parking space. Accordingly, the Petitioner was allotted one stilt car parking as per the draw of lots held on 18th July, 2010. It is the case of the Petitioner that he was allotted a second car parking sometime in 2014. According to the Petitioner, he is not liable to pay any extra charges for the second parking.

3. It is stated that the Society had initiated arbitration proceedings in respect of the demand in respect of the second car parking. However, the same was withdrawn in 2018. Thereafter, sometime in 2023 the Society is stated to have again raised the said demand.

4. In respect of the dispute between the Petitioner and the Society, arbitration proceedings were initiated which culminated in an award dated 15th October, 2024, where the conclusion is as under:

“On the basis of records available in the file,



submissions made during proceedings and arguments put forward by the parties during hearings conducted, I conclude as follows:

1.The cause of action no longer survived in favour of claimant society who had withdrawn the claim petition against the respondent Sh. J.S. Ahlawat before this forum (DRCS) on 30.05.2018. The same cannot be reopened by way of the present claim petition filed by the claimant society against the respondent who had participated in the elections of the society held on 21.03.2021.

2.Moreover, no explanation has been given by the claimant in the present claim for not filing claim petition against the respondent within a period of 6 years from the date of withdrawal of previous petition for the same cause. Hence, the claim is not maintainable being barred by limitations in terms of provision of 70 (4) (a) (ii) of the DCS Act, 2003.

In view of settled legal position, it is concluded that claim petition is not maintainable and is dismissed accordingly.”

5. In the above order, it is clear that the Society's claim has been dismissed against the Petitioner. The Society is stated to be in an appeal against the said order.

6. Under these circumstances, at this stage, no relief can be granted in favour of the Petitioner, except to the effect that no coercive measures shall be taken for recovery of charges against the Petitioner until the Society's appeal has been decided.

7. In the appeal, the concerned Appellate Authority shall also consider as to whether any dues or parking charges could have been demanded from



the Petitioner or not.

8. All rights and remedies of the Petitioner and the society are left open.

9. At this stage, The Petitioner categorically submits that he is using only one parking in the Society.

10. The manager of the society is present and submits in view of the above statements that the Petitioner wishes to use only one parking; no demands shall be pressed against the Petitioner for the second parking till the appeal is decided.

11. Accordingly, the Petitioner shall not be liable to pay charges for the second parking and the Society is free to use the second parking as per its bye laws till the appeal is decided.

12. Accordingly, the petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 12, 2026/ys/msh