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

+ **W.P.(C) 4106/2016**

AJAY KUMAR JAIN & ANR.

.....Petitioners

Through: Adv Siddharth Sangal, Adv Richa Mishra

versus

MINISTRY OF URBAN DEVELOPMENT & ANR.....Respondents

Through: Ms. Akshita Goyal, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **15.01.2026**

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

“(a) TO issue Writ of Mandamus to the Ministry of Urban Development and the Delhi Development Authority directing them to allow the conversion of the leasehold property i.e. 143, Bank Enclave, I.P. Extension (Laxmi Nagar), Delhi - 110092 into freehold property;

(b) TO issue Writ of Mandamus to the Ministry of Urban Development and the Delhi Development Authority directing them to substitute the names of the petitioners as the owners of the property i.e. 143, Bank Enclave, I.P. Extension (Laxmi Nagar), Delhi - 110092 after freehold and entering into conveyance deed with them; and”

2. The brief facts are that a Lease Deed dated 29.11.1980 (“**lease deed**”) between was entered into between the Delhi Development Authority (“**DDA**”) (President of India) and Sh. Sant Kumar Jain for the lease of Plot No. 143,



Bank Enclave, Delhi-110092 (“**subject property**”), wherein absolute rights were given to Sh. Sant Kumar Jain over the subject property.

3. Later on 16.01.1984, Sh. Sant Kumar Jain transferred all his rights over the subject property in favour of Smt. Raj Dulari, wife of Sh. Dayachand Jain and mother of the petitioners. To give effect to the said transaction, the parties executed an Agreement to Sell (which is missing), a General Power of Attorney, a Will, and also Receipt showing consideration of Rs. 73,437.50/-, all dated 16.01.1984.

4. On 23.07.1991, Smt. Raj Dulari, mother of the petitioners, expired and upon her death, her legal heirs i.e., her husband and four sons including the petitioners became absolute owners of the subject property.

5. Later, a Relinquishment Deed dated 23.09.1991 was executed by Sh. Dayachand Jain, father of the petitioners, and Sh. Mukesh Chand Jain, brother of the petitioners, relinquishing their rights in the subject property in favour of the petitioners and Sh. Dinesh Jain.

6. The petitioners and their father and brothers entered into a Family Settlement dated 07.11.1991, whereby it was settled that the petitioner No. 1 i.e., Sh. Ajay Kumar Jain, shall be the sole owner of the ‘Ground Floor’ of the subject property; Sh. Dinesh Jain shall be the sole owner of the ‘First Floor’ of the subject property and the petitioner No. 2 i.e., Sh. Naveen Kumar Jain, shall be the sole owner of the roof of the first floor and would be entitled to raise construction over the roof and will be the sole owner of the constructed subsequent floors on the subject property. The Delhi Nagar Nigam (MCD) issued Order dated 03.07.2006 of Mutation/Sub-division of the Ground Floor and the Roof of the First Floor of subject property in favour of the petitioners, respectively.

7. Thereafter, the petitioners through an Application No. 69764 dated



01.05.2007 along with payment of conversion charges and ground rent, applied to the DDA for conversion of the subject property from leasehold to freehold. However, the DDA ruled that in the absence of the original Agreement to Sell executed by Sh. Sant Kumar Jain in favour of Smt. Raj Dulari, the DDA could not allow any substitution and conversion.

8. Later, petitioner No. 2 filed a fresh representation dated 10.12.2015 to the DDA to consider conversion in terms of the documents in its possession, in view of the opinion dated 06.09.2014 of the Solicitor General of India regarding 'conversion of property' in case of missing documents. However, the DDA never responded to the said representation of the petitioner.

9. Hence, the present petition.

10. The learned counsel for the petitioners relies upon the opinion of the Solicitor General of India dated 06.09.2014, which permits conversion of property from leasehold to freehold where a link is missing. The relevant portion of the same is extracted below:-



RANJIT KUMAR
Solicitor General of India



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secure the development of Delhi according to the plan. It in no way empowers the Authority to amend the policy in place by the Central government. Section 21 further provides that the land, which is placed at the disposal of the DDA is to be utilized as per the direction of the Central government. The policy was assented by the President, which was subsequently extended by the Ministry of Urban development. The brochure regarding the conversion policy was also issued after getting approval of the Central Government. Thus an amendment in the existing policy ought to be passed by the Central Government only.

Conclusion

In the light of the above, the following are the conclusions to the queries posed:-

- (1) The DDA could allow conversion of leasehold properties to freehold properties by executing a sale deed even in cases where the property linkage is missing on the basis of the applicant being able to prove the possession of the property along with other significant documents in favour of the last holder of the document but as a safeguard this should be done after giving a public notice, as stated above.
- (2) The DDA could allow the conversion of leasehold to freehold on the basis of unregistered documents executed after 26.9.2011 but duly stamped after adjudication of stamp duty by the Collector of Stamps.
- (3) The death of the executant or any other incapacity of the executant should not deter the conversion of leasehold to freehold where the GPA/Agreement to Sell have been executed after the pronouncement of the Suraj Lamp case on requisite stamp papers but on unregistered documents with the caution that a public notice could again be issued as stated in point (1) above.



11. The counter-affidavit on behalf of the respondent No. 2 i.e., DDA, seems to suggest that the missing link i.e., Original Agreement to Sell and lack of prior permission (as per Clauses No. 6 and 7 of the lease deed) being the primary reasons for rejection of the petitioners' application for conversion of the subject property from leasehold to freehold.

12. I have heard learned counsels for the parties.

13. I am of the view that the DDA specifically sought opinion of the Solicitor General of India on a similar situation and thereafter, the Solicitor General of India gave the opinion dated 06.09.2014 (extracted above). The said opinion of the Solicitor General of India seems to suggest that the conversion of leasehold properties to freehold properties can be permitted even in cases where the property linkage is missing on the applicant being able to prove the possession of the property, while also being able to provide other significant documents in favour of last holder of the document.

14. For the said reasons, the respondent No. 2 i.e., DDA, is directed to consider the application of the petitioners for conversion of the subject property from leasehold to freehold in terms of the opinion of the Solicitor General of India dated 06.09.2014 and after giving the petitioners a personal hearing.

15. The decision in regards of the petitioners' application shall be taken expeditiously and in any case not later than 6 weeks from today.

16. In case the petitioner are aggrieved with the decision taken in regards of their application, the petitioners will be at liberty to avail appropriate legal remedies.

17. The present petition is disposed of in aforesaid terms.

JASMEET SINGH, J

JANUARY 15, 2026/DM