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

+ **W.P.(C) 6943/2013**

SUBHASH CHANDER PAHWA

.....Petitioner

Through: Mr. Shashwat Sarin Mr. Lokesh
Kumar, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Aditi Saxena for Ms. Mrinalini
Sen (Standing Counsel)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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11.02.2026

CM. APPL. 9320/2026

1. This is an application filed under Section 151 of CPC, 1908 seeking direction to the respondent to comply with order dated 21.08.2014 and 31.01.2020 passed by this Court in the main petition.
2. With the consent of the parties, the matter is being taken up for final hearing.

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

“i) Issue Writ of certiorari and quash the demand dated 26.08.2013 raised vide Ref. No. L7(289)81/OSB/1285 and the letter dated 05.05.2008 rejecting the conversion application of the petitioner with respect to the property No. 289, Dr. Mukherjee Nagar, Delhi-09;



ii) Issue a Writ of mandamus or any other appropriate Writ directing the respondent to allot the adjacent strip of land to the plot of the petitioner in terms of the letter dated 13.12.2001 alongwith interest at the rate of 12% per annum;

iii) Direct the respondent Authority to carry out the conversion of the property in question from leasehold to freehold at the rate prevalent on the date of filing of the conversion application; and”

4. The case of the petitioner is that the petitioner was allotted a three-side open plot bearing No. 289, Dr. Mukherjee Nagar, Delhi, 110009 (**“said plot”**) under the Kingsway Camp Rehabilitation Scheme. The mutation was carried out in his name on 17.03.1980 and the possession was handed over on 01.12.1984. In 1985, the construction was completed and completion certificate was also issued. The perpetual lease deed dated 12.05.1997 was executed in petitioner’s favor by the respondent i.e., Delhi Development Authority (**“DDA”**).

5. Adjacent to the said plot of the petitioner, there exists a land approximately measuring 100.3 sq. mtrs., which could not be sold/auctioned by the respondent/DDA.

6. The petitioner, after execution of the perpetual lease deed, requested the respondent/ DDA *vide* letter dated 25.07.1998 for allotment of the adjacent strip of land on payment of pre-determined rates. Also, the petitioner applied for conversion of the said plot from leasehold to freehold on 29.01.2000 and deposited the conversion charges at then prevalent rate.

7. Finally, *vide* letter dated 13.12.2001 the respondent/ DDA asked the petitioner to deposit the regularization charges of Rs. 22,07,040/- with respect to the strip of land adjacent to the said plot of petitioner. The



petitioner replied *vide* letter dated 28.02.2002 and requested the respondent/DDA to reconsider the matter for raising such a huge demand.

8. After a period of 8 years from the conversion application, the petitioner received the impugned letter dated 05.05.2008 from the respondent/DDA rejecting his application on the ground of not depositing the sum of Rs. 22,07,040/- for regularization charges of the adjacent strip of land.

9. Later, the petitioner sent a legal notice dated 27.02.2013, calling upon the respondent/DDA to process the conversion of the said plot of the petitioner.

10. In the meantime, the petitioner received the impugned demand dated 26.08.2013 from the respondent/ DDA asking to deposit a sum of Rs. 5,47,05,291/-.

11. Hence, the present petition.

12. The learned counsel for the petitioner has handed over photographs in the Court today.

13. After filing of the present petition, *vide* letter dated 02.03.2022, the respondent/DDA rejected the conversion application of the petitioner on the ground that the petitioner has not paid charges of Rs. 1,36,41,405/- for using the adjacent strip of land unauthorizedly.

14. Ms. Saxena, learned standing counsel for respondent/DDA, states that during inspection it was found that the petitioner was using the adjacent strip of land admeasuring 100 sq. mtrs. and hence was asked to pay misuse charges. She also draws my attention to a Circular No. F.26(1)07/Coordn(LD)/67 dated 09.04.2008 and more particularly Clauses No. (d) and (g), which read as under:-



“[d] Conversion will be allowed after recovery of past misuse charges as per policy whether earlier demanded or not.

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[g] In case of unauthorized encroachment on public land, conversion shall be allowed only after removal of encroachment and recovery of damage till the date of removal of encroachment.”

15. The inspection report of DDA is not on record, which has found that the adjacent land of 100 sq. mts. was encroached upon.

16. In the present case, the photographs annexed with the petition as well handed over in the Court today, shows that there is no encroachment on the adjacent strip of land.

17. It is further clear that the respondent/ DDA has constructed the boundary wall and the adjacent strip of land is free from encroachment.

18. From the aforesaid facts, it is clear that the adjacent strip of land is not encroached upon.

19. The petitioner has already applied for conversion of the said plot from lease hold to free hold on 29.01.2000 and the respondent/DDA rejected the conversion application *vide* letter dated 02.03.2022 i.e., after a lapse of 22 years.

20. The petitioner's conversion application was kept pending for more than 22 years. The said conduct of the respondent/DDA is difficult to appreciate.

21. Additionally, the contention that the petitioner has not paid the misuser charges is also difficult to appreciate as: (a) the photographs, annexed with the petition as well handed over in the Court today, seem to suggest that adjacent strip of land is free from encroachment and (b) even



assuming that the adjacent strip of land was encroached, there is no documents on record to show that the respondent/DDA has written any letter to the police or to the petitioner stating that the petitioner is misusing the adjacent strip of land.

22. Further, Ms. Saxena, learned counsel for the respondent/DDA, draws my attention to a letter dated 13.12.2001, where a demand of approximately Rs. 22 lakhs was raised upon the petitioner. However, the said demand was only for regularization of this 100 square meters piece of land in favor of the petitioner and does not talk about any misuse charges.

23. In my view, the non-consideration of the conversion application for over a period of 22 years has caused serious prejudice to the petitioner.

24. Hence, for the said reasons the present petition is allowed.

25. The order dated 28.01.2014 and 31.01.2020 passed by this Court shall be complied with and the property of the petitioner bearing No. 289, Dr. Mukherjee Nagar, Delhi-110009 shall be converted from leasehold to freehold forthwith, without the misuse charges.

26. In addition, the petitioner will file an affidavit not to encroach upon the adjacent strip of land in any way or manner.

27. The respondent/ DDA will be entitled to use the adjacent strip of land as a green area for the benefit of the residents of the society.

28. After making the adjacent strip of land as green, the respondent/DDA shall file a status report with the learned Amicus, Ms. Asmita Singh, in CONT. CAS(C) No. 1149/2022 and will continue to file 6 monthly status reports with the learned Amicus.

29. The present petition is disposed of in aforesaid terms, along with pending applications if any.



30. The photographs handed over in the Court today are taken on record.
31. The next date of hearing i.e., 16.04.2026, stands cancelled.

JASMEET SINGH, J

FEBRUARY 11, 2026/jyoti