



\$~78

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10735/2017, CM APPL. 43949/2017, CM APPL. 9736/2019,
CM APPL. 55550/2019, CM APPL. 77460/2025
CAPT S L SHARMAPetitioner

Through: Adv Rakesh kumar Sharma Adv Ks
Joon Adv Anshika Singh, AdvAyushi

versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents
Through: Mr. R. K. Dhawan(Standing Counsel
for DDA), Ms. Nisha Dhawan, Mr.
Pawan Karan Deo, Mr. V. K. Teng,
Advs. for R-1

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

% **ORDER**
18.02.2026

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

“a) A Writ of Certiorari calling for the records of the case for perusal;

b) A Writ of Certiorari quashing the action on the part of the subordinate officers of the DDA in not making allotment and giving possession of the particular flat in Vasant Kunj to the petitioner despite clear and categorical orders of the Hon'ble Lt. Governor, as Chairman/Supreme Authority of the DDA and the Vice-Chairman, DDA and instead of trying



to give possession of the same to the legal heirs of the former allottee who had not made payment of the fifth and final installment in time and consequently the allotment stood cancelled and could not have been restored & despite confirmation of this position by the Vigilance Department of DDA and an adverse report to the effect that restoration of the allotment after payment of the amount belatedly by the legal heirs was wrong, illegal and malafide and actuated with ulterior motives on the part of the subordinate/lower level officers of the DDA being illegal, arbitrary, malafide, discriminatory, unjustified, unwarranted and malicious and in violation of the Rules, Regulations and Policy and the Principles of Equity, Justice and Good Conscience;

c) A writ of certiorari also quashing the action on the part of the DDA in restoring the allotment of Flat No. B-5&6/4402 Vasant Kunj, New Delhi in favour of the legal heirs of the original allottee, which stood automatically cancelled on account of non-payment of the fifth and final instalment and therefore could not have been restored, on payment by the legal heirs after 8 years, being illegal, arbitrary, malafide, discriminatory, and without jurisdiction and in violation of the rules, regulations and the policy and consequently the demand letter and possession letter issued to Respondent No. 3 in this regard Respondent No. 3.

d) A writ, order or direction in the nature of mandamus commanding/ directing the Respondents to forthwith issue



formal allotment-cum demand letter in respect of Flat No. B-5&6/4402 Vasant Kunj, New Delhi in favour of the petitioner, as per the orders of Hon'ble LG/Chairman DDA as also the Vice Chairman, DDA and thereafter hand over possession thereof to him and also execute conveyance deed in respect thereof in his favour

e) A Writ of Mandamus commanding the Respondents to pay the costs of this petition to the Petitioner;...”

2. The brief facts of the case are that the petitioner is a war veteran who suffered head injury on duty in 1984 and was 100% disabled. As a measure of rehabilitation, the petitioner was allotted an LPG Gas Agency in Vasant Kunj area of Delhi. Thereafter, the petitioner applied to DDA for allotment of residential flat under out of turn allotment (OTA) category to the Lieutenant Governor (“LG”).
3. An MIG flat No. 77-A(P), Pitampura, Delhi was allotted to the petitioner on 04.01.1988 on out of turn basis. The petitioner did not accept the flat and insisted for allotment of a flat in Vasant Kunj area since his gas agency was located in Vasant Kunj.
4. Thereafter an MIG flat No. 41, Pocket A-9, Sector-18, Ground Floor, Rohini was allotted to the petitioner in 1992 and the petitioner made the payment of Rs. 3,46,700/- towards the cost of the flat under protest.
5. The petitioner again reiterated his request for allotment in Vasant Kunj.
6. Another flat bearing No. D-7/7265, Vasant Kunj was allotted to the petitioner by the order of the respondent dated 21.05.2004 but the demand letter for the said flat was not issued to the petitioner. The LG has already



initiated an inquiry in this regard.

7. Thereafter, a category II, SFS Flat bearing No. 6040, Sector A, Pocket 6, Ground Floor was allotted to the petitioner and he was advised to deposit Rs. 49,35,747/- up to 24.02.2013. Since the petitioner did not make the payment, the aforesaid allotment was cancelled.

8. The Vice Chairman of DDA after examining the matter on 08.07.2016 offered 3 available options for the flat allotment to the petitioner, which read as under:

A. Category III SFS flats:

Either Flat No. B-53&6/4606 at 2nd floor in Vasant Kunj without lift **OR**
Flat No. S-3/509, D-6 at 5th floor in Vasant Kunj (Multi-Storeyed) with lift

OR

B. Category II flat:

Earlier allotted Ground Floor flat No. D-6/6040/1 at Vasant Kunj. This flat is still vacant.

9. The petitioner has made payments of Rs. 9 lakhs on 28.09.2012, Rs. 9 lakhs on 10.10.2012, Rs. 9 lakhs on 18.10.2012, Rs. 5 lakhs on 07.11.2012, and Rs. 5 lakhs on 20.02.2013, totalling to Rs. 37 lakhs. Additionally, a sum of Rs. 3,46,700/- was earlier paid.

10. Hence, the petitioner has made a payment of Rs. 40 lakhs odd till 20.02.2013.

11. Since the petitioner has made the payment and the flat has not been allotted to the petitioner.

12. The petitioner up to the date 24.02.2013, has already paid about Rs. 40 lakhs out of Rs. 4935747/- as demanded by the respondent.



13. Despite the same, the possession of the flat has not been handed over to the petitioner.
14. Mr. Sharma, learned counsel for the petitioner, on instructions states that he is agreeable for Flat No. S-3/509, 5th floor, Vasant Kunj with lift.
15. Since the allotment of the flat was made on 08.07.2016, the petitioner will pay the rate applicable on 08.07.2016 less the amount of about Rs. 40 lakhs.
16. The amount of Rs. 40 lakhs paid by the petitioner shall carry interest at the rate of 6% per annum.
17. The amount shall be communicated to the petitioner with the calculations within 4 weeks from today and the petitioner shall make the payment within 4 weeks thereafter.
18. The petition is allowed and disposed of in the aforesaid terms along with pending applications, if any.
19. In case the flat is not available, a similar flat with lift shall be offered to the petitioner.
20. The interim orders stand vacated.

JASMEET SINGH, J

FEBRUARY 18, 2026/DM