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

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Date of Decision: 11th February, 2025

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W.P.(C) 9051/2022 & CM APPL. 65310/2023

SMT DEVI ALIAS DEVI BAI

.....Petitioner

Through: Mr. Gaurav Sarin, Sr. Advocate with
Mr. S.K. Rout, Mr. Harish Kumar and
Mr. Rahul Kumar, Advocates.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Mr. Rajiv Shukla with Ms. Shivani
Kapoor, Mr. Sanjay Kumar, Advocate.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner, who is an octogenarian, seeks direction to respondent/Authority to execute Lease Deed of property bearing No.B-7/34, Safdarjung Extension, New Delhi in her favour and also seeks a direction to convert the above said plot from leasehold to freehold and to execute Conveyance Deed accordingly.
2. Petitioner had filed a suit way back in the year 1979 which was registered as Suit No.546/79. Such suit was decreed in her favour and as per Decree, the respondent i.e. DDA was, *inter alia*, directed to allot an alternative site in the vicinity, to the extent of 80% of 104 sq. yards of the land of petitioner which had been acquired/taken possession of by DDA.
3. Pursuant to the abovesaid, according to petitioner, the respondent had issued one Demand Notice offering her 70 sq. meter of plot i.e. property bearing No.B-7/34, Safdarjung Extension, New Delhi.



Such Demand Notice is stated to be of 02.05.1989.

4. The grievance of petitioner is that though the possession of the above said plot was handed over to her and she continues to be in possession of the above said plot since then, whenever she visited the respondent for execution of registry of plot in her name, she was informed that the file of the plot was not traceable and, therefore, nothing further was done by DDA.

5. It is in the above said backdrop that the present petition has been filed seeking necessary directions to the respondent.

6. Respondent DDA has already filed a short affidavit and in such affidavit, DDA itself admitted that the original documents related to the above said plot had been misplaced and only partial file has been reconstructed and, therefore, DDA is not in a position to properly respond to the averments made in the present writ petition.

7. Respondent also had some reservations about the name of the petitioner. The present petition has been filed by her while describing herself as “Devi Alias Devi Bai” and according to petitioner, certain documents submitted by her, were indicating her name to be as “Devi Prajapati”.

8. Pursuant to the directions given by this Court on 12.12.2022, petitioner had filed an affidavit in which she clarified that she was known as “*Devi Alias Devi Bai Alias Devi Prajapati*”. She also claimed that due to some inadvertent typographical error, the name of her husband has been described in the writ petition as “*Khurb Chand instead of Khub Chand*”.

9. Fact, however, remains that keeping in mind the peculiar facts of



the case, the Respondent/Authority had chosen to issue a public notice in leading newspapers. It may also be emphasized right here that an application was also moved by DDA seeking permission for issuance of such public notice and *vide* order dated 18.12.2023, they were directed to do the needful.

10. Pursuant thereto, a public notice had been issued, which got published in *Times of India* and *Navbharat Times* on 13.03.2024. Following is the extract of above said public notice.

**“DELHI DEVELOPMENT AUTHORITY
PUBLIC NOTICE**

It is hereby informed to all concerned that original record of Plot No.B-7/34, Ext. at Safdarjung Enclave is missing. Smt. Devi @ Devi Bai W/o Late Shri Khub Chand has staked the claim over the plot.

Smt. Devi @ Devi Bai w/o Late Shri Khub Chand has applied for conversion from leasehold into freehold without the lease deed and stated that lease deed of the plot has not been executed by DDA.

Before allowing the conversion, it is hereby published for information of all concerned that if anybody has any objection against the conversion of the above property in favour of Smt. Devi @ Devi Bai w/o Late Shri Khub Chand, the objection with documentary evidence of ownership etc. can be filed in writing before the Dy. Director, LA (Residential), Delhi Development Authority, Block C-II, 3rd Floor, Vikas Sadan, I.N.A. New Delhi – 110023 within 30 days from the date of issue of this notice. Thereafter no objection will be entertained and conversion will be allowed by DDA without any further notice.

Aforesaid is pursuant to orders of the Hon'ble High Court of Delhi in W.P.(C) 9051/2022 titled Smt. Devi @ Devi Bai vs. DDA.”

11. In the above said short affidavit filed by respondent/DDA, it has, categorically, been deposed that, in case, no objection or response is received from public, subject to further directions of the Court,



requisite further formalities regarding execution of lease Deed in favour of petitioner shall be undertaken.

12. When asked, learned counsel for respondent informed that pursuant to the above said public notice, they have not received any objection or response from general public and such fact has been highlighted by them in affidavit which they intend to file today. A copy thereof has been shown.

13. Let such short affidavit be filed in the Registry during course of the day along with newspaper cuttings.

14. In view of the above, nothing further survives in the matter and since no objection of any kind has been received by the respondent from anyone, the respondent shall do the needful, in terms of their own affidavit filed on 09.10.2022.

15. The respondent shall, accordingly, in view of the fact that they have not received any objection from general public, would process the request of the petitioner and would take further steps in accordance with law, including issuance of lease deed, conversion to free hold, followed by a Conveyance Deed.

16. Needless to say, in case, any fact comes to the knowledge of the respondent, which puts a question mark over the right of the petitioner *qua* the plot in question, the petitioner would be at liberty to take further appropriate action, after putting petitioner to a notice to the above said effect.

17. Let an undertaking to said effect be also filed by the petitioner with DDA.

18. This Court expects that the needful would be done by DDA



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within a maximum period of four months from today.

19. Petition stands disposed of in aforesaid terms.

20. A copy of this order be given dasti under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

FEBRUARY 11, 2025/st