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

% **Date of Decision: 22nd January, 2025**

+ W.P.(C) 15655/2004

S.C. GUPTAPetitioner

Through: Petitioner in person.

versus

D.D.A. & ORS.Respondents

Through: Mr. Tushar Sannu, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 45333/2024 (filed on behalf of the petitioner under Section 151 CPC for rectification of order dated 01.03.2024) & CM APPL. 66224/2024 (for condonation of delay)

1. Present petition was disposed of by a common order passed on 01.03.2024. While disposing of the above said writ petition, it was, *inter alia*, held and observed as under:-

“40. The noting of the respondent DDA shows that during inspection it has been found that an area of 19.34 sq. meters is being misused for storage/office purpose. Hence, for an area of 19.34 sq. meters, the misuser charges will have to be paid by the petitioner.

41. Mr. Gupta, learned counsel for the petitioner, on instructions of his client who is present in Court, is agreeable to payment of those charges from 15.01.1986 till the date of cancellation.

42. The respondent DDA is directed to undertake the calculation of misuser charges of 19.34 sq. meters with effect from 15.01.1986 till the date of cancellation within a period of 4 weeks from today and



the petitioner shall make the said payment along with restoration charges, if any, within 6 weeks thereafter.

43. On payment of restoration charges and misuser charges, the application of the petitioner for conversion from lease-hold to free-hold shall also be decided by the respondent-DDA in accordance with law.

44. Subject to the above, W.P.(C) 143/2012 is allowed.

45. Needless to add, in case the petitioner is aggrieved by any further action of the respondent pursuant to the orders passed today, the petitioner will be at liberty to challenge the same in accordance with law.

46. With these directions, the petitions are disposed of.

47. Pending applications, if any, are hereby disposed of.”

2. The present application has now been moved by the petitioner under Section 151 CPC seeking rectification of the above said order.

3. This contention is two-fold. Firstly, the calculation of misuser charges should be for the area 12.71 sq. meters instead of 19.34 sq. meters. According to the petitioner, the above said area was mentioned on various dates by DDA itself and, therefore, misuser should be only for the above said area of 12.71 sq. meters. Secondly, the misuser charges are applicable only from 29.09.1997 to 26.12.2001 i.e. the date of cancellation.

4. As already noticed above, the above said order was passed after comprehensive evaluation of the entire matter and also after seeking consent of the petitioner.

5. In view of the above, this Court does not find any reason, much less a cogent one, to modify the order as prayed by the petitioner herein.



6. The petitioner cannot, in the garb of modification, seek to have another decision. To re-hear the entire matter, all over again, is not permissible while considering an application like the present one.
7. Therefore, the application stands dismissed.
8. Needless to say, if the petitioner is having any reservation or grievance with respect to above said order dated 01.03.2024, he is always at liberty to take appropriate step, as permissible under law.

(MANOJ JAIN)
JUDGE

JANUARY 22, 2025
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