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

% ***Date of Decision: 27th February, 2025***

+ W.P.(C) 11018/2023

ANUJ CHANDWANIPetitioner

Through: Ms. Gunjan Kathuria, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORSRespondents

Through: Ms. Kritika Gupta with Mr. Shashi
Pratap Singh, Advocates for
respondent No.3/DDA.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 11761/2025 (early hearing)

1. For the reasons stated in the application and with the consent of learned counsel for both the sides, the date is preponed and the matter is taken up today itself for disposal.
2. The next date of 24.04.2025 is cancelled.
3. The application stands disposed of.

W.P.(C) 11018/2023

1. The issue raised in the present writ petition is very short and precise.
2. One Sh. R.C. Chandwani (father of petitioner) had been allotted MIG Flat by DDA in Munirka.
3. Such allotment took place somewhere in the year 1990.
4. He died on 04.10.1994.



5. He left behind his wife Ms. Sapna Chandwani and three children i.e. one son and two daughters.
6. Unfortunately, his wife Ms. Sapna Chandwani also died on 25.05.2013.
7. The two daughters of allottee Sh. R.C. Chandwani have relinquished their respective shares in favour of their brother i.e. petitioner Mr. Anuj Chandwani.
8. The real cause of concern is that, as on date, petitioner does not have any paper with respect to the abovesaid allotment of the flat.
9. Petitioner has even lodged a report with police on 22.04.2016 to the effect that all such important documents, including Demand-cum-Allotment Letter, Site Possession Slip, Possession Letter and No-Objection Certificate (NOC) are missing. So much so, petitioner even came up with a publication in newspapers viz. *Indian Express* and *Jansatta* on 24.04.2016. Such publication has been made in order to establish his *bona fide* and to demonstrate that there is no other claimant with respect to the abovesaid flat.
10. Petitioner merely possesses some copies of challans towards the part-payment of the abovesaid flat but, apart from the abovesaid and the fact that petitioner is in continuous peaceful possession of the same, he, unfortunately, does not have any document to establish his ownership over the flat in question.
11. Petitioner sent a communication way back in the year 2016 to DDA requesting for mutation/transfer/conversion to freehold of the abovesaid flat. He was requested to be present at the office of DDA on 13.09.2016 but it seems that petitioner did not report.



12. The following facts have been mentioned in the counter affidavit filed by DDA:-

(5) a. *One Mr. Anuj Chandwani has applied to the Respondent/DDA for mutation and conversion of MIG flat No. 25-A, Munirka, after alleged death of his father, Sh. R.C. Chandwani who is the original allottee of the said flat.*

b. *The main allotment file bearing no. F37 (219)74/Gen/MA related to Flat no. 25-A G.F, Munirka New Delhi is not traceable in the records of the Respondent/DDA. However, as per entry available in property register maintained by the Respondent/DDA, the allotment of the said flat stands in the name of Sh. R.C. Chandwani and allotment of flat has not been cancelled.*

c. *The applicant, Mr. Anuj Chandwani has stated that he has lost all the documents related to the allotment of the said flat. The applicant has submitted copies of some document such as his Passport, his Aadhar card, his Pan Card and an alleged Relinquishment Deed dated 02-08-2014. However, these documents are not sufficient for mutation as original allottee and for conversion of the said flat from leasehold to freehold.”*

13. Unfortunately, no record, as such, is, even, available with DDA.

14. DDA is also in the process of reconstruction of part file but for that they are heavily dependent upon the documents which might be available with any such allottee. It is, therefore, submitted by learned counsel for DDA that even reconstruction is not happening.

15. Thus, the position, in the present case, is unusual as neither the petitioner nor the Authority possesses documents which may, clearly, indicate that it was petitioner Sh. R.C. Chandwani, who had been actually allotted the abovesaid flat and that a *Lease Deed* was executed in his favour, after completion of requisite formalities.

16. However, at the same time, DDA does admit that as per the entry available in *Property Register* maintained by DDA, the allotment of the abovesaid flat stands reflected in the name of Sh. R.C. Chandwani and that such allotment has not been cancelled so far.



17. Learned counsel for the petitioner submits that there is no other claimant of the abovesaid flat and his father had never, during his lifetime, created any kind of third-party interest with respect to the abovesaid flat. She also submits that petitioner, if required, would submit an undertaking and indemnity to DDA so that, in future, in case, there is any other claimant, DDA is not prejudiced.

18. Learned counsel for respondent submits that they would consider the plight of the petitioner in accordance with law and would also give them a personal hearing, before taking any final decision in the matter. He also submits that while taking any such decision, they would also keep in mind the fact that their own documents are also not available and also the fact that petitioner has also lodged a police report with respect to their documents as well.

19. Learned counsel for respondents submits without prejudice to their rights and contentions, that they are ready to consider the case of petitioner as per the existing policy and also with full compassion.

20. Learned counsel for the petitioner has no objection if the present writ petition is, accordingly, treated as a representation and DDA is requested to consider such representation in a time-bound manner.

21. Keeping in mind the overall facts and circumstances of the case and without expressing any opinion, whatsoever, with respect to the merits of the case, the present writ petition is hereby disposed of with direction to DDA to consider the present writ petition as a representation.

22. It is expected that keeping in mind the unique aspects of the present case, respondent shall consider the case of petitioner with due



compassion and, if required, they may ask petitioner to give some additional documents, including indemnity bond in order to safeguard and protect its interest.

23. Respondent shall also give an opportunity of personal hearing to petitioner and would also satisfy itself about the *Relinquishment Deeds* given by the other LRs, before taking any final decision in the matter.

24. Let such representation be decided by the respondent Authority with a period of twelve weeks.

25. The petition stands disposed of accordingly.

26. It is clarified that this Court has not made any observations about the merits of the case. Needless to say, if aggrieved by the outcome of said representation, petitioner would be at liberty to take steps, as permissible under law.

27. Copy of the order be given *dasti* under signatures of Court Master.

(MANOJ JAIN)
JUDGE

FEBRUARY 27, 2025
st/pb