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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC011004622011

Date of decision: 03.09.2026

+ **W.P.(C) 4987/2011 & CM APPL. 10101/2011 & CM APPL.**
59525/2024

LOK SEWAK COOPERATIVE HOUSE BUILDING SOCIETY
LTD.

.....Petitioner

Through: Mr. PK Agrawal, Ms. Sanjoli Gupta,
Mr. Akshay Chitkara, Advs.

versus

LT. GOVERNOR OF NCT OF DELHI AND ORS.

.....Respondents

Through: Ms. Mrinalini Sen (SC), Mr.
Abhishek Gupta (PC), Ms. Aditi Saxena, Adv. for
DDA/R-2

Mr Dhruv Rohatgi Panel Counsel GNTCD, Ms
Chandrika Sachdeva Mr Dhruv Kumar, Advs.
for R-1

Ms. Shilpa Chohan, Mr. Jitender Chaudhary and
Ms. Keya Rawat, Advs. for MCD/R-3
Mr. Garg, Adv. for R5

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

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

“a) directing the respondents no. 1, 2, 3 & 4 to take



action against the unauthorized construction and illegal encroachment in or around Convenient Shopping Centre Gitanjali Enclave, New Delhi-110017 and remove all such unauthorized constructions and illegal encroachments;

b) directing the respondents 1 to 4 not to allow the misuse of the Convenient shopping Centre as Corporate Office or for any use other than for which the said shops were allotted;

c) directing respondent no. 2 DDA to cancel the allotment/lease deed of the owner of the ground floor Convenient Shopping Centre for making a breach of the conditions of lease/allotment;....”

2. The brief facts of the case are stated hereinbelow.
3. The petitioner is a Cooperative Housing Building Society registered under the Delhi Cooperative Societies Act bearing Registration No. 1925/1959. The petitioner society was initially formed as a Housing Building Society with the object of development of the land and allotment of plots to its members for the purpose of Housing Construction. It is stated that the land in question was leased to the petitioner society by DDA in 1970 for the purpose of development of the said land by carving out residential plots and allotting the same to the members of Petitioner society.
4. Out of the entire area developed by the Petitioner society, an area of 12617.5 sq. ft. was earmarked for a Convenient Shopping Centre, in accordance with requirements of respondent No. 2/DDA. The said plan



was approved by respondent No. 2. Subsequently, the Convenient Shopping Centre was constructed in or about 1977 and the shops in the Convenient Shopping Centre were auctioned to various persons for selling various essential commodities.

5. Thereafter, it is submitted that in or around first week of June, 2011, it came to the notice of the petitioner society that large scale encroachment and unauthorised construction in and around the said Convenient Shopping Centre was going on.
6. Furthermore, it has been submitted that the Convenient Shopping Centre was also being misused for running corporate offices by various persons. The entire ground floor of the Convenient Shopping Centre was being misused by the respondent No. 5, having been acquired for the purpose of opening its Group Corporate Office, even though the said Convenient Shopping Centre was only meant for the provisions of the facilities to the residents of the society only. Accordingly, representation was made by the petitioner society to respondent No. 2 vide letter dated 19.06.2011 and also subsequent letters dated 26.06.2011, with reference to the same, were also addressed to respondent Nos. 1 to 4.
7. Mr. Agrawal, learned counsel for the petitioner society, draws my attention to the Master Plan for Delhi, 1962 (“**MPD**”) as well as MPD, 2001 to state that the Convenient Shopping Centre could only be used for running shops to cater to the day-to-day demands of the residents of petitioner society and the same had to be in accordance with the layout plan.
8. He further states that the MPD, 2021 merely permits 125 sq. mtrs. of



the space to be used as office space. The same is prospective and cannot be applied retrospectively. Hence, the running of commercial units by the respondent No. 5 and the permission by the respondent No. 2 to run the Convenient Shopping Centre for commercial use is illegal and contrary to the provisions of MPD.

9. Mr. Garg, learned counsel for the respondent No. 5, and Mr. Abhishek Gupta, learned counsel for respondent No. 2/DDA, oppose the instant petition on the ground that:

- a. The user is permissible; and
- b. A petition with similar factual matrix and issues has already agitated and subsequently dismissed by the Hon'ble Division Bench of this Court.

10. It is stated that the petitioner had earlier filed a Public Interest Litigation bearing Civil Writ Petition No. 1951/1997 before this Court (“PIL”), seeking the following prayers:-

“(a) stop the user of the Convenient Shopping Centre for the purpose other than the shops, i.e., for the purpose for which the said shops were auctioned by D.D.A.; and to remove all unauthorised structure from the Shopping Complex;

(b) stop the carrying on of any factory in the residential Colony Geetanjali Enclave, in particular, in Convenient Shopping Centre;

(c) take action in accordance with law against all the buildings constructed contrary to the building bye-laws by sealing and/or demolishing unauthorised structures



after making a survey in respect of the said properties;

(d) stop the mis-user of the residential properties in carrying on the commercial activities or converting the same into commercial establishments and to take action against the owners/occupiers of the properties in accordance with law;

(e) the Respondents be also directed to institute an inquiry and identify the erring officials who had been in collusion and conspiracy with the persons violating the law with impunity in converting the Convenient Shopping Centre into factories in making the construction of the high-rise buildings contrary to the building bye-laws and converting the residential buildings into commercial establishments. After identifying the said persons, the Respondents be directed to take action against them in accordance with the law;

(f) any other Writ, Order or direction that this Hon'ble Court may deem just and fit may also be passed; and

(g) costs of the proceedings be also awarded to the Petitioners.”

11. The predecessor-in-interest of the respondent No. 5 duly responded to the said PIL highlighting that the running of commercial units by the respondent No. 5 in the Convenient Shopping Centre was duly permitted by respondent No. 2/DDA. The letter dated 17.10.1985 issued by respondent No. 2/DDA reads as under:-



2026:DHC:8066



DELHI DEVELOPMENT AUTHORITY
VIKAS SADAN
NEW DELHI.

No.F.55(12)/79_IMPL. Dated, 17th October 1985.

To

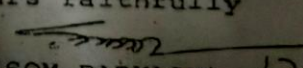
Shri Manjeet Singh,
Departmental Store-cum-Showroom No.1,
Geetanjli CHBS, New Delhi.

Dear Sir,

Please refer to your representation on the subject of Departmental Store-cum-Showroom No.1, Geetanjli CHBS.

Delhi Development Authority has no objection to the internal additions and alterations made by you which are of temporary nature. There is also no objection to the installation of iron grills on front and back gate of the premises.

The premises be used only for commercial purpose including garment export office. Actual packing etc. of ready made garments can however be done in the premises.

Yours faithfully

(SOM PARKASH) 17/10/85
Deputy Director (CE)

12. Subsequently, respondent No. 5, having bought the concerned ground floor premise of the Convenient Shopping Centre, sought clarification from respondent No. 2/DDA, who vide its reply dated 29.06.2011 again confirmed that the office use was permissible in accordance with MPD, 2011.



13. The above referred PIL was disposed of by the Hon'ble Division Bench of this Court, vide order dated 20.03.2003, in the following terms:-

“The petitioner has moved this court by filing this public interest litigation inter alia requesting the court to give direction to the respondents to remove all unauthorised construction from the shopping complex and to stop carrying on any residential activities in and around Geetanjali Enclave/Convenient Shopping Centre.

There are a number of affidavits and documents on record. However, for the latest position we have referred to affidavit dated 20.8.2002 filed by Vijay Kadian, Officiating Executive Engineer, South Zone, Municipal Corporation of Delhi, Green Park. It is pointed out in various paragraphs by giving details of the properties and regularisation or removal of unauthorised construction or the action taken in the matter. It is also indicated that the sealing exercise has been undertaken as set out in paragraphs A to F. Thus all necessary details are given indicating the actions taken in the matter. It is also pointed out that some have also offered to remove the part of the property which was unauthorised. Report has also been filed indicating as to the action taken. In all 169 properties of the colony were inspected, out of which unauthorised construction was detected in 83 properties against which actions have been taken and demolition orders have been passed. There are 14 cases of unauthorised constructions and show cause notices have



been issued. In 13 properties, action has been taken partly or completely. In some properties rectification work has been carried out. Assurance is given to the court by the MCD that they shall not permit any unauthorised construction in the area and they shall be vigilant.

The petitioner had also made a statement in the order dated 23.10.2002 that he will confine the scope of the petition only on the question of maintenance of Convenient Shopping Centre.

Learned counsel for the DDA has made a statement that there is no factory in the shopping centre and no activities are being carried out which are not permissible in law. Affidavits indicating that no industrial activities are going on have also been filed earlier.

The respondents shall be vigilant and shall see that the citizens are not required to approach the court for their inaction. In view of what has been stated above, we do not find any reason to keep the matter pending any more and, therefore, we dispose of this petition.”

14. It has been categorically observed by the Hon’ble Division Bench of this Court in the order dated 20.03.2003 recording that the learned counsel for respondent No. 2 herein/DDA had made a statement that there is no factory being operated in the Convenient Shopping Centre and no activities are being carried out which are not permissible in law.
15. A perusal of the same shows that the Hon’ble Division Bench of this Court, while passing the order dated 20.03.2003, was fully aware that



the office was being run from the Convenient Shopping Centre. Despite the same, keeping in view respondent No. 2/DDA's statements that no activities are being carried out which are impermissible in law, disposed of the said PIL.

16. Subsequently, an application bearing CM No. 18682 of 2012 for revival of the above-referred PIL was preferred by the petitioner society, which was also dismissed on 21.11.2012 by this Court. The order of this Court dated 21.11.2012 reads as under:-

“1. Revival of this writ petition disposed of on 20.03.2003 is sought pleading certain subsequent events. It is contended that though the writ petition was disposed of on the statement of the DDA that there is no factory in the Convenient Shopping Centre in the Colony of Geetanjali Enclave, New Delhi and no activities which are not permissible in law are being carried out therein but one of the occupants of the Convenient Shopping Centre, in June, 2011, has started misusing the space in the Convenient Shopping Centre meant for use as a Showroom, as an office. It is further pleaded that though the petitioner has filed W.P.(C) No.4987 /2011 which has been entertained by a Single Judge of this Court and an interim order was also granted therein but DDA has permitted the conversion of the entire Shopping Complex in a residential area into an Office Complex. The petitioner thus not only seeks revival of the present writ petition but also seeks the transfer of W.P.(C) No.4987



/2011 pending before a Single Judge Bench of this Court to this Bench and to be treated as a Public Interest litigation (PIL).

2. Not only do we not find any ground to have been made out for revival of the writ petition but we also find that the Single Judge Bench of this Court is already seized of the grievance of the petitioner and no case for calling that petition before this Bench is made out.

3. We may notice that the writ petition of which revival is sought was filed seeking a direction for removal of the unauthorized construction from the Shopping Complex and for stoppage of commercial activities in and around Geetanjali Enclave/ Convenient Shopping Centre. Directions were issued from time to time in the writ petition and the petitioner on 23.10.2002 had made a statement that the scope of the writ petition will be confined to the question of maintenance of Convenient Shopping Centre. It also appears that then the grievance of the petitioner was of carrying on of industrial activities in the Convenient Shopping Centre. The events now pleaded are subsequent and not such which may be said to be so closely linked to the disposed of writ petition so as to make adjudication in an independent writ petition inconvenient. The petitioner, though had earlier filed this writ petition in public interest, chose to file W.P.(C) No.4987 /2011 making a personal grievance and vis-?-vis



use by one particular occupant

4. The counsel for the applicant states that other occupants also have now started misusing. He states that W.P.(C) No.4987 /2011 is required to be converted into a PIL so that directions can be issued qua all the occupants of the Convenient Shopping Centre. On enquiry whether the other occupants are a party to W.P.(C) No.4987 /2011, he replies in the negative.

5. The petitioner appears to have been unnerved from the dismissal of the petition filed averring contempt of interim order in W.P.(C) No.4987 /2011. However the petitioner cannot be permitted to so choose amongst the Benches of this Court.

There is no merit in this application, the same is dismissed.

No costs.”

17. A perusal of the aforesaid facts clearly shows that the issue in controversy has been duly raised, adjudicated and rejected by the Hon'ble Division Bench of this Court. Hence, the attempt of the petitioner to re-agitate the issue is misconceived and cannot be entertained.
18. The writ petition is liable to be dismissed on the above-mentioned ground alone, however I am also proceeding to adjudicate the grievance of the Petitioner on merits.
19. The respondent No. 2 is the authority which is responsible for the planned development of Delhi as well as for ensuring that the premises



are being used for the purpose for which it was allotted and there is no misuse of the premises.

20. The letter by respondent No. 2/DDA dated 17.10.1985 reproduced hereinabove categorically states that the premises can be used for commercial purposes including use for the purpose of a garment export office. Additionally, the counter-affidavit of Respondent No. 2/DDA filed in response to the present petition in paragraph No. 4 and 5 states as under:-

“4. That in table 5.1 of MPD 2021, the use of various activities in convenient shopping centre has been explained in detail. As per the same, in convenient shopping centre where the population is about 5,000 and the area is 1 hectare, the following activities are allowed:

- 1. Retail shopping*
- 2. Local level service activities*
- 3. Repair*
- 4. Office*
- 5. Bank*
- 6. ATM*
- 7. Informal trade*
- 8. Restaurant*

Since the premises of the respondent No.5 falls under the category 5 in the table 5.1 as enumerated above, the activity of running an office/corporate office is permissible under Master Plan of Delhi 2021. Copy of the relevant provision of MPD 2021 is annexed herewith.”



5. That a complaint was received on 26.06.2011 from the petitioner regarding misuse of the premise in question by the respondent No.5 and the inspection was carried by the field staff on 26.06.2011 and 26.07.2011. The detail of inspection report is as follows:

i) No authorized encroachment was found in the open space available in front of the shopping complex. Planter of height 2'-6" along the front wall of the building was constructed to aid the greenery in shopping complex with the consent of all the shop owners through the "Geetanjali Enclave Convenient Shopping Centre (CSC) Owner's Association".

ii) No unauthorized encroachment was found in the open space at back side of the building except the planter constructed for greenery purposes. Iron grill with Jali has been provided on back boundary wall of the CSC.

iii) From Inside the Unit No.1 CSC Geetanjali Enclave is a single Unit. Only wooden partition with glazing was provided and the same is being used as an office. Copy of the said inspection report is annexed herewith as Annexure-R2/2."

21. The relevant provisions of MPD, 2021, read as under:-



5.2 HIERARCHY OF COMMERCIAL AREAS

The following five-tier system of Commercial Areas is envisaged to accommodate required shopping, commercial office and other service activities like cinema, hotel and restaurant and various community services and facilities in an integrated manner.

In addition, some components of commercial use are also provided under mixed use, non-hierarchical commercial centres, and informal sector in the selected areas along the MRTS corridor.

Table 5.1: Five-Tier System of Commercial Areas

Tier	I	II	III	IV	V
Population		About 5 lakhs	About 1 lakh	About 10,000	About 5,000
	Metropolitan City Centre (Pertains to already developed Central Business	District Centre	Community Centre	Local Shopping Centre	Convenience Shopping Centre

Tier	I	II	III	IV	V
	District)				
Area (Ha.)	-	40	4.0	0.3	0.1
Activities Permitted	Retail Shopping, Stockists and dealers of medicines and drugs, Commercial and Offices of local bodies, PSUs, Cinema, Cineplex, Hotels, Restaurants, Banquet Halls, Socio-Cultural activities / Recreational Club, Service Apptts, Coaching Centres/ Training Institutes, Police Post, Fire Post, Tel. Exchange, Post & Telegraph Office, Petrol Pump / CNG Station, Bus Terminal, Informal Trade.	Retail Shopping, Stockists and dealers of medicines and drugs, Commercial and Offices of local bodies, PSUs, Cinema, Cineplex, Hotels, Restaurants, Banquet Halls, Socio-Cultural activities / Recreational Club, Service Apptts, Coaching Centres/ Training Institutes, Police Post, Fire Post, Tel. Exchange, Post & Telegraph Office, Petrol Pump / CNG Stn., Bus Terminal, Repair / Services, Bank, ATM, Guest House, Nursing Home, Informal Trade.	Retail Shopping, Stockists and dealers of medicines and drugs, Commercial and Offices of local bodies, PSUs, Cinema, Cineplex, Hotels, Restaurants, Banquet Halls, Guest House, Nursing Home, Dispensary, Clinical Lab. Clinic & Poly Clinic, Coaching Centres / Training Institutes, Police Post, Post Office, Petrol Pump / CNG Station, Repair / Services, Bank, ATM, Informal Trade, Multi level parking.	Retail Shopping, Stockists and dealers of medicines and drugs, Commercial Offices, Clinical Laboratory, Clinic & Poly Clinic, Repair / Services, Bank, ATM, Guest House, Nursing Home, Informal Trade, Coaching Centres / Training Institutes, Restaurant.	Retail Shopping, Local level service activities, Repair, ¹ [Office up to 125 sqm.*], Bank, ATM, Informal Trade, Restaurant

²[* The provision of offices space upto 125 sq.mtr. to be applicable from the prospective date of notification in view of clause 3 (4) of Development Code.]

¹ Added vide S.O. 1215(E) dated 13-05-2013

² Added vide S.O. 1215(E) dated 13-05-2013

**Notes:**

- i. Besides the above, retail shopping of desired level shall also be provided in all work centres and transportation nodes.
- ii. Utilities, Public Conveniences shall be provided as per requirement.
- iii. Service & Repair and Informal activities should be provided as Service markets and Informal bazaar.
- iv. The mandatory requirement of parking as per prescribed standards would be met through multi level parking as far as possible in Metropolitan City Centre, District Centre and Community Centre.
- v. ¹[The non-residential activities permitted as per Mixed Use Regulations with stipulations for category of colony, road ROW etc. in residential plots will be permitted in Commercial Centres.]

22. In view of the above stated clear stand of the respondent No. 2/DDA that the said running of corporate offices is permitted in view of the provisions of MPD, 2021, the present petition is not maintainable and is accordingly dismissed.

JASMEET SINGH, J

SEPTEMBER 3, 2026 / (MS)

(Corrected and released on 19.09.2026)