

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

+ W.P.(C) 2679/2008

SUCHA SINGH Petitioner
Through Mr. S C Singhal, Adv.

versus

UOI & ANR. Respondents
Through Mr. Rajan Tyagi for Mr. Rajeev Bansal, Adv.
for DDA
Mr. S P Sharma with Mr. Jitender Choudhary, Adv. for
respondent no.1

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
01.04.2008

1. This is the fourth round of litigation filed by the petitioner. The petitioner had earlier in 1984 filed a civil suit which was withdrawn. Another civil suit was filed in 1988 which again was withdrawn. In 1989, the petitioner filed the third civil suit. Copy of the plaint has been placed on record. The petitioner claimed that he is in possession of Kitchen no.1, Barrack no.7, in Block-B, Outram Lines, Kingsway Camp, Dehi-110009 and another 9000 sq.fts of adjoining area out of which he has covered 2700 sq.fts since 1952. It was claimed that the petitioner's possession was for more than 30 years and the respondent authorities namely UOI and DDA had no right to dispossess the petitioner. A decree for declaration

was prayed for, along with decree of permanent injunction.

2. In the written statement filed to the said suit, the respondent/DDA had pointed out that the petitioner was an unauthorized occupant whose case was examined by Committee in 1984 and he was held entitled to allotment of 25 sq.yds of land. Before the Committee the petitioner could not establish his status as a registered displaced person nor he could produce documents to support his claim for allotment of 80 sq.yds of plot. In the written statement it was pointed out that the petitioner's name did not appear in Survey list of 1967. The defence of DDA was that the petitioner was a rank trespasser over the Government land and was entitled to no relief.
3. The Civil Judge considered the evidence adduced by the parties in respect of the pleadings and dismissed the said suit. The Civil Judge specifically recorded that the petitioner herein in his statement had admitted having received demolition slip in respect of 25 sq.yds of land. The Civil Judge also recorded that the Allotment Committee had examined the case of the petitioner in 1984, but did not find him eligible for allotment of a 80 sq.yds. plot.
4. Appeal filed by the petitioner was dismissed by the Appellate Court vide judgment dated 4.10.2007. The relevant findings given by the first Appellate court are as under :

“ It is not disputed that the appellant before this court was a displaced person from Pakistan and has started living with his family in the plot in question but the plaintiff was only allotted 25 sq.ft at Outer Lane, Kignsway Camp whereas he had trespassed over the remaining portion of the government land. The property in question had been transferred by the Government to the DDA for re-development in the year 1982 and the case of the plaintiff/appellant for the allotment of 80 sq.ft land had been rejected by the committee vide recommendation dated 17.5.1983 which recommendation of the committee are Ex.DW2/2 collectively. The demolition slip bearing no.5989 and 5990 had been issued to the appellant on 30.11.1976 for the allotment of 25 sq.yds land as per the policy of the government and hence the appellant had been left with no other claim.

In this background the averment made by the appellant that he had been in uninterrupted possession of the government land does not hold any merit and hence being a rank trespasser he is liable to be evicted from the premises in question by adopting due process of law.”

5. The petitioner thereafter, filed a second appeal, which too was dismissed by this court on 14.12.2007 holding that no substantial question of law arises. The second Appellate Court also noticed that the petitioner was removed from the area in 1976, which had encroached upon by the petitioner. The Court observed that evidence probablises repeated trespass by the petitioner.
6. I do not think the petitioner should be allowed or permitted to repeatedly raise the same issues again and again. Further, the petitioner is a rank trespasser who has encroached upon government land. His claim has

been repeatedly rejected. There is no merit in the present writ petition.

Hence, the same is dismissed.

CM Nos.5126-27/2008

In view of the order passed in writ petition, the above said applications do not survive and hence stand disposed of.

SANJIV KHANNA,J

APRIL 01, 2008
Vld/RN