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

Date of Decision: 6th November, 2012

\+ **CM(M) 1205/2012**

SHAMSHAD ..... Petitioner

Through: Mr.Syed Hasan Isfahani & Ms.Vasundha Baja, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ANR ..... Respondents

Through: Mr.Rahul Bhandari, Advocate for R-1 DDA
Mr.Javed Ahmed, Advocate for R-2

CORAM:
HON'BLE MR. JUSTICE G.P.MITTAL

J U D G M E N T

C.M. APPL No.18856/2012(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 1205/2012 & CM. APPL No.18855/2012(Stay)

1. Mr.Rahul Bhandari, Advocate appears on behalf of Respondent No.1 DDA on advance copy being served upon him.
2. Issue notice.
3. Mr.Rahul Bhandari, Advocate appearing on behalf of Respondent No.1 accepts notice.
4. Mr.Javed Ahmed, Advocate appearing on behalf of Respondent No.2 accepts notice.
5. A suit for permanent injunction etc. was filed by the Petitioner with the contention that the Petitioner is in possession of a portion of the Khasra No.1151/3 (Old Khasra No.1665), Min Mehrauli, Delhi-110030.

6. It was stated that the Petitioner became the owner of the property by way of an adverse possession. On 18.09.2012, Respondent No.1 (DDA) tried to demolish the property and asked the Petitioner to vacate the same.

7. Feeling aggrieved by the illegal action of Respondent No.1, the Petitioner filed a suit for permanent injunction. Respondent No.2 Delhi Wakf Board was impleaded as a party as the property was stated to be Wakf property.

8. The Petitioner's grievance is that inspite of the fact that the suit for permanent injunction was filed on 30.09.2012 and the Respondents have already entered their appearance, his Application under Order XXXIX Rule 1 and 2 of the CPC has not been decided, nor any interim protection has been given.

9. Learned counsel for Respondent No.1, on instructions from the DDA, states that no demolition is being carried out or is to be carried out by the DDA in Khasra No.1151/3 (Old Khasra No.1665), Min Mehrauli, Delhi-110030.

10. In view of the statement given by Mr.Rahul Bhandari, Advocate for Respondent No.1 DDA, nothing survives in the instant Petition. There is no question of any apprehension to the Petitioner for any demolition in Khasra No.1151/3 (Old Khasra No.1665), Min Mehrauli, Delhi-110030.

11. In view of the above, the Petition stands disposed of.

12. No costs.

13. Order dasti under the signature of the Court Master/Private Secretary.

(G.P. MITTAL)
JUDGE

NOVEMBER 06, 2012
v