

27

\$~

\*

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

+

W.P.(C) 495/2016 & CM APPL. 2062/2016

OM PRAKASH

..... Petitioner

Through: Mr. B.S. Maan, Advocate with  
Mr. Vishal Maan, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ANR ..... Respondents

Through: Ms. Shobhana Takiar, Advocate with  
Mr. Udayan Khandelwal, Advocate for  
DDA.

Mr. Naushad ahmed Khan, Advocate  
with Mr. Neelam Kholiya, Advocate for  
GNCT of Delhi with Mr. Parvinder  
Tomar, Patwari.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

%

**22.08.2016**

Present writ petition has been filed restraining the respondents from demarcation, demolishing or taking forcible possession of the built-up property of the petitioner comprising Khasra No.841/1/1 (1-4) situated in village Mahipalpur, New Delhi.

While the petitioner's relies on revenue records to show that he is the owner in possession of the aforesaid Khasra, respondent No.2 has filed a status report in which it is stated that the land in question is recorded in the name of Gaon Sabha (Gair Mumkin Pahar).

It is further stated in the status report that the petitioner is not in possession of the aforesaid Khasra and further that petitioner has encroached upon the public land.

During the course of arguments, learned counsel for petitioner admitted that the petitioner is an occupant of an unauthorised colony.

In the opinion of this Court, relief in writ jurisdiction is discretionary and can only be granted to those who approach the Court with clean hands.

Since the petitioner himself admits that he is an occupant of unauthorised colony, this Court is of the opinion that it should not exercise its high prerogative jurisdiction under Articles 226 and 227 of the Constitution.

Accordingly, present writ petition and application are dismissed.

**MANMOHAN, J**

**AUGUST 22, 2016**

js