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

+ **W.P.(C) 952/2015 & CM Appl. 1681/2015**

**HAKIKAT RAI**

..... Petitioner

Through: Ms. Tasneem Ahmadi with Ms. Shubhi Khare, Advs.

versus

**D.D.A.**

..... Respondent

Through: Mr. Dhanesh Relan with Mr. Harshit, Advs.

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Date of Decision: 07<sup>th</sup> October, 2016

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**J U D G M E N T**

**MANMOHAN, J: (Oral)**

1. The present writ petition has been filed with the following prayers:-

*“It is therefore most humbly prayed that this Hon’ble Court may be pleased to:-*

*(a) Grant a Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondents, their servants, agents and assigns not to demolish the boundary walls of the Petitioner on Khasra Nos. 215 min & 216 min of Village Hauz Rani New Delhi.*

*(b) Issue of Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondents not to dispossess the Petitioner from Khasra Nos. 215 min and 216 min of Village Hauz Rani New Delhi.*

*(c) Pass any other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."*

2. Learned counsel for the petitioner states that the petitioner has been in possession of 15 biswas each in 215 Min. and 216 Min. of Village Hauz Rani, New Delhi since 1953.
3. Learned counsel for the respondent-DDA relies on the notification dated 22<sup>nd</sup> February, 1979 whereby 02 Bigha and 06 Biswa in 215 Min. as well as 02 Bigha and 03 Biswa in 216 Min., has been transferred to the DDA. The said notification is at pages 245-257 of the paper book.
4. This Court with the assistance of the parties has perused the paper book at length and finds that even according to the DDA, the petitioner has been in uninterrupted possession of the aforesaid land as an allottee since 1964-65. Even the documents furnished by the petitioner, namely, the letter issued by the Assistant Custodian (Rural) at page 22 of the paper book as well as the report of the Local Officer at page 24 of the paper book and the revenue record at pages 26-27 of the paper book have been authenticated by the Land and Building Department. Consequently, the ownership of the petitioner of 15 biswas each in 215 Min. and 216 Min. is not disputed.
5. However, this Court is not aware as to exact location and extent of 215 Min. and 216 Min. In the present proceedings, this Court cannot arrive at a definite conclusion as to where the 15 Biswa of land of the petitioner in 215 Min. and 216 Min. is situated.

6. Consequently, after recording that the petitioner is the owner of 15 Biswa each in 215 Min. and 216 Min., the present proceedings are closed and the petitioner is given liberty to file appropriate proceedings in accordance with law for determining the exact location of the petitioner's land.
  7. Learned counsel for the petitioner states that the said alternative proceedings shall be filed within a period of six weeks.
  8. Till the said alternative proceedings are concluded, both parties are directed to maintain status quo with regard to possession and construction in respect of 215 Min. and 216 Min. of Village Hauz Rani, New Delhi.
  9. If the respondent intends to take any action against the unauthorized construction carried out by the petitioner, it shall be at liberty to do so in accordance with law. Rights and contentions even on this aspect are left open.
  10. With the aforesaid observations, the present writ petition and pending application stand disposed of.
- Dasti.

**OCTOBER 07, 2016**  
**NG**

**MANMOHAN, J**