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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4781/2014 & CM APPL. 9526/2014

KAMAL KISHORE

..... Petitioner

Through: Mr. Mukesh Kumar Verma, Advocate.

versus

GOVT. OF NATIONAL CAPITAL

TERRITORY OF DELHI AND ORS

..... Respondents

Through: Mr. Gautam Narayan, Advocate with
Mr. Shatrajit Banerji and Ms. Shruti
Parasa, Advocates for GNCT of Delhi.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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02.06.2016

Present writ petition has been filed seeking stay of demolition and dispossession of the petitioner from property allegedly bearing No.C-661 and C-662, Khasra No.920, JVTS Garden, Chhattarpur Extension, New Delhi admeasuring 180 sq. yards.

Admittedly, the petitioner's property is situated in an unauthorised colony in Chattarpur. Respondents in their latest status report have stated that demarcation was carried out on 14th May, 2010 and after doing ground marking on 16th November, 2010, the demarcation was re-confirmed on 03rd June, 2011 and thereafter, the land of the Gaon Sabha was identified.

Learned counsel for petitioner has relied upon various plans to contend that the petitioner's property is situated in Khasra No.920 and not in

921, but all the plans relied upon by the petitioner are private plans and not authenticated by any statutory authority. Consequently, in the opinion of this Court, the said plans cannot be taken into account.

In any event, the present writ petition is not maintainable as it raises disputed questions of fact which require a detailed inquiry and evidence.

Further, Writs can only be issued to persons who approach the Court with clean hands i.e. those who have carried out construction in accordance with law.

This Court is of the view that writ remedy cannot be invoked by persons who have encroached upon Government land and/or admittedly have carried out construction without any sanction plan in an unauthorised colony.

Consequently, present writ petition and application are dismissed.

However, it is clarified that petitioner is at liberty to file other remedies if available in accordance with law.

MANMOHAN, J

JUNE 02, 2016

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