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

+ W.P.(C) 3329/2016 and C.M. Appl. 14185/2016

SUBODH SINGH Petitioner

Through: Mr. Mahesh Prasad, Advocate

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr. Arun Birbal and Mr. Sanjay
Singh, Advocates for respondent No.1
Mr. Rajan Sabharwal, Standing
Counsel for respondent No.2
Mr. Yeesh Jain and Ms. Jyoti Tyagi,
Advocates for Land & Building
Department

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **09.05.2016**

1. The petitioner claiming to be the owner in possession of plot No.2/14, Roop Nagar, New Delhi, is challenging the letter dated 21st August, 2015 and is seeking a direction to the respondents not to interfere in his peaceful possession.
2. Mr. Rajan Sabharwal, learned counsel for North Delhi Municipal Corporation, has handed over the status report on affidavit which is taken on record. As per the status report, the plot in question was sold by DDA to MCD vide perpetual lease deed dated 22nd April, 1969 and the possession thereof was handed over to MCD much earlier on 01st December, 1960. North Delhi Municipal Corporation claims to be in physical possession of the plot in question. Learned counsel for North Delhi Municipal Corporation has handed over the photographs of the subject plot along with

the status report which are taken on record.

3. On careful consideration of the matter, this Court is of the view that disputed questions of fact arise in this petition which would require recording of evidence and, therefore, it would not be proper for this Court to exercise the writ jurisdiction.

4. This writ petition is, therefore, dismissed with liberty to the petitioner to approach the Civil Court in accordance with law. C.M. No.14185/2016 is also disposed of.

5. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

MAY 09, 2016

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