

45

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 4045/2016 & CM APPL. 17067/2016

WORD INSTITUTE OF NOVEL EDUCATION Petitioner
Through: Mr. Samdarshi Sanjay, Advocate with
Mr. Shashi Ranjan, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents
Through: Mr. Santosh K. Tripathi, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
09.05.2016

%

Present writ petition has been filed challenging the action of respondents No.2 and 3 in partially demolishing the wall surrounding the property bearing Plot No.C-610B, Khasra No.850 situated at Chattarpur extension, Tehsil Hauz Khas (Mehrauli), New Delhi-110074.

Learned counsel for petitioner states that the wall was constructed after demarcation had been carried out and petitioner's wall had been segregated from Gram Sabha land. He states that when the petitioner contacted the local authorities, he was informed that the said premises was a part of the Gram Sabha land.

Admittedly, the petitioner has no registered sale deed in its favour and the colony in which the petitioner claims to be occupying land is an unauthorised colony, which has been built after encroaching upon Government land.

At this stage, learned counsel for the petitioner states that as petitioner's colony has a provisional registration certificate, petitioner has a legal enforceable right in the land in question.

This Court in ***W.P.(C) 3386/2011*** in ***Sh. Atul Singh Gandas & Anr. Vs. Lt. Governor of GNCTD & Ors.***, has held that a provisional regularisation certificate is of no legal consequence and same cannot be considered or recognised by any Court or authority as creating right in favour of its recipient. The relevant portion of the said order is reproduced hereinbelow:-

“7. Ms. Zubeda Begum, learned standing counsel for respondent nos. 1 and 2 states that as per Regulations for Regularisation of Unauthorised Colonies existing in Delhi notified on 24th March, 2008 by Government of India, there is no provision for provisionally regularising any unauthorised colony. She states that issuance of a provisional regularisation certificate does not regularise any unauthorised colony automatically.

8. She also confirms that no physical verification was conducted by the State before issuing the provisional certificates. She has placed on record an additional affidavit of Mr. Mansoor Usmani, Deputy Secretary, Department of Urban Development, Government of NCT of Delhi dated 27th March, 2014, which reads as under:-

“Most respectfully it is submitted that the Govt. of India notified the regulations dated 24.03.2008 for regularization of unauthorized colonies existing in Delhi, subject to fulfilment of Provisions laid down in above said regulations. As per regulations dated 24.03.2008 there is no provision for Provisionally Regularizing any unauthorized colony. It was a decision taken by the then Government and Provisional Regularization Certificates (PRC) were issued to the unauthorized colonies on the basis of certain documents submitted by RWAs representing unauthorized colonies and no physical verification was conducted before issuing PRC. The issuance of PRC does not regularize any unauthorized

colony automatically. For regularization, unauthorized colony has to satisfy the provisions laid down under regulation dated 24.03.2008 and its subsequent amendments.

Further the PRC is neither a necessary not a sufficient condition for regularization of unauthorized colony. The clause 4.6.3 of Amendment dated 16.06.2008 states that “However, the final boundaries would be fixed by GNCTD only after completing all requisite formalities including those in clause 3 of regulations dated 24.03.2008.”

(emphasis supplied)

xxx

xxx

xxx

13. In any event, in view of the Government of NCT of Delhi’s admission that provisional regularisation certificate has no legal sanctity and confers neither any legal title nor any legal status, this Court is of the view that it need not quash the illegal and irrelevant provisional regularisation certificate issued by respondent-State Government.

14. However, to avoid any doubts, it is clarified that a provisional regularisation certificate is of no legal consequence and the same would not be considered or recognized by any Court or authority as the same creates no right in favour of the applicants. It is further clarified that no Court/authority shall recognise or pass any order relying upon the provisional regularisation certificate”.

In view thereof, this Court is of the view that the petitioner is not entitled to any order in writ jurisdiction.

Accordingly, present writ petition is dismissed.

MANMOHAN, J

MAY 09, 2016

js