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

+ W.P.(C) 3115/2016

SHIV MANDIR MANAGING TRUST Petitioner

Through Mr.Jitender Kumar Jain, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through Mr.Sanjeev Sabharwal, standing
counsel for DDA.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **20.02.2017**

Present writ petition has been filed challenging the order dated 12th September, 2014 passed by respondent no.1-DDA, wherein possession of land admeasuring 2 bigha 4 biswa of khasra no.1299 min. of village Madipur, Delhi was handed over to respondent no.2.

Learned counsel for the petitioner states that the aforesaid land to the extent of 14 biswas belongs to the petitioner-temple and the respondent-DDA has wrongly handed over the possession of the same to respondent no.2 without the said respondent obtaining a decree from Civil Court and without notice to the petitioner. In support of his contentions, he relies upon the order dated 1st June, 2010 passed by the Division Bench of this Court in W.P.(C) No.1900/1998 filed by respondent no.2.

However, a perusal of the Division Bench order dated 01st June, 2010 does not indicate that DDA was prohibited from taking a

decision in the matter or handing over possession of any portion of land to respondent no.2, if it was of the opinion that respondent no.2's ownership was not in dispute. The Division Bench order also did not mandate that any show-cause notice had to be given to the petitioner prior to handing over possession of any land to respondent no.2.

In any event, this Court is of the opinion that the controversy in the present matter involves serious disputed questions of facts which cannot be decided in writ proceedings.

Consequently, the present writ petition is disposed of with liberty to the petitioner to file a civil suit in accordance with law. The rights and contentions of all the parties are left open.

MANMOHAN, J

FEBRUARY 20, 2017
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