

\$~19 to 26

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

W.P.(C) 11104/2017 & CM No.45420/2017(for stay)

JAGDISH Petitioner

Through: Mr. A.K. Padhy, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal and Ms.
Kajri Gupta, Adv.

AND

W.P.(C) 11105/2017 & CM No.45421/2017(for stay)

MAN SINGH Petitioner

Through: Mr. A.K. Padhy, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal and Ms.
Kajri Gupta, Adv.

AND

W.P.(C) 11106/2017 & CM No.44422/2017(for stay).

LAXMAN Petitioner

Through: Mr. A.K. Padhy, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal and Ms.
Kajri Gupta, Adv.

AND

+ W.P.(C) 11107/2017 & CM No.45423/2017 (for stay)

HARI SINGH Petitioner

Through: Mr. A.K. Padhy, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal and Ms.
Kajri Gupta, Adv.

AND

W.P.(C) 11108/2017 & CM No.45424/2017 (for stay)

RADHEY SHYAM

..... Petitioner

Through: Mr. A.K. Padhy, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal and Ms.
Kajri Gupta, Adv.

AND

W.P.(C) 11109/2017 & CM No.45425/2017 (for stay)

ROOP NARAIN

..... Petitioner

Through: Mr. A.K. Padhy, Adv.versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal and Ms.
Kajri Gupta, Adv.

AND

W.P.(C) 11111/2017 & CM No.45426/2017 (for stay)

PURAN CHAND

..... Petitioner

Through: Mr. A.K. Padhy, Adv.versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal and Ms.
Kajri Gupta, Adv.

AND

W.P.(C) 11112/2017 & CM No.45427/2017 (for stay)

BADRI PRASAD

..... Petitioner

Through: Mr. A.K. Padhy, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal and Ms.
Kajri Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

09.08.2018

%

1. These petitions were being listed and are today also listed along with (i) W.P.(C) No.7765/2016 and other connected petitions withdrawn by a common order dictated today in open Court; (ii) W.P.(C) No.8741/2016 and other connected petitions disposed of by a common order passed today in open Court; (iii) W.P.(C) 10574/2017 and other connected petitions also disposed of today by a common order passed therein.
2. While the first two sets of petitions have been dismissed as withdrawn, granting time to the petitioners therein to vacate of premises, subject to filing affidavits of undertaking as directed, the third set of petitions have been dismissed on merits.
3. The counsel for the petitioners in these eight petitions also states that these petitions be disposed of on merits.
4. The counsel for the petitioners and the counsel for the respondents have been heard.
5. The petitioners in the first two sets aforesaid of petitions which have been withdrawn and who have been granted time to vacate subject to filing affidavit of undertaking, were Members, either of Jheel Khuranja Cooperative Milk Producers Society Limited or of Delhi Peasants Cooperative Multipurpose Society Limited. Proceedings for their eviction, as of the petitioners in these eight petitions, were initiated under Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (PP Act) and orders of eviction passed. The petitions were filed either directly against the orders of the Estate Officer or against the orders of the District Judge of dismissal of appeal preferred against the orders of the Estate Officer of the respondent Delhi Development Authority (DDA) of eviction

of petitioners. It has come on record in order disposing of W.P.(C) No.10574/2017 and other connected petitions i.e. the third set aforesaid, that the two societies aforesaid were granted lease of the land and which lease expired by an efflux of time as far back as in the year 1967 but the petitioners being the members of either of the two societies, continued in possession thereof.

6. I have thus enquired from the counsel for the petitioners as to why the petitioners should be treated differently when the order of eviction against others similarly situated as the petitioners has attained finality till the Supreme Court save that time has been granted to vacate.

7. The counsel for the petitioners states (i) that these petitioners also were members either of the two societies aforesaid; (ii) that the petitioners were brought in to the said land by the British Army, for the purpose of cultivating the land and the petitioners and their predecessors have been cultivating the land since then and paying land revenue therefor; (iii) that receipts of payment of land revenue have been produced by each of the petitioners; (iv) that the British Army had brought the petitioners onto the said land for cultivating fodder for the military horses; and, (v) that the petitioners have been in possession of the land for over 100 years and have become owners thereof by adverse possession.

8. The aforesaid arguments of the counsel for the petitioners confirms that the petitioners are identically situated as the others, challenge by whom to the orders of eviction against them has been dismissed till the Supreme Court. The only argument of the counsel for the petitioners to be considered is of adverse possession.

9. I have enquired from the counsel for the petitioners, whether the petitioners got their names entered in the revenue record as owners or *bhumidars* of the subject land.

10. The answer is in the negative.

11. On the contrary, the argument as aforesaid is, of payment of land revenue for the land and payment of which land revenue shows an admission of the petitioners of the title of the respondent DDA. The petitioners have not shown any right to continue in possession of the land under any permission or lease from the government or from the respondent DDA.

12. Thus, the petitioners have to suffer the same fate as the others and the challenge by them to the respective orders of their eviction under the PP Act has to be dismissed.

13. The petitions are dismissed.

No costs.

RAJIV SAHAI ENDLAW, J.

AUGUST 09, 2018

‘bs’ ..