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

+ W.P.(C) 3765/2019

SHANTI DEVI (SENIOR CITIZEN) Petitioner

Through: Mr. M. Hasibuddin, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION
& ORS

..... Respondents

Through: Ms. Garima Prasad, Standing Counsel
for SDMC.

Mr. Jamal Akhtar, Adv. for State /
R3.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.05.2019

The present petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that this Hon’ble Court may be pleased to:

a. Direct the respondent no.1 to not remove the petitioner from her lawful possession of property bearing no.A-65, measuring about 60 Sq. Yds., situated at Amrit Puri, A-Block, Garhi, New Delhi without following the due process of law by taking assistance from respondent no.2 and 3 in the interest of justice.

b. Pass any other or further orders as this Hon’ble Court may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice.”

It is the case of the petitioner that she belongs to a lower strata of the society and is in occupation of property bearing no. A-65, measuring 60 Sq. Yds. situated at Amrit Puri, A-Block, Garhi, New Delhi since the year 1968, when she joined her husband after her marriage.

During 1960's, the area in which the petitioner is residing was lying vacant and the petitioner by constructing Kucha house started earning livelihood by ironing the clothes. With the passage of time, the bhumidar of the land started plotting the land and selling the same to the intending purchasers. The purchasers started developing pucca houses in the area. The people around the plot of the petitioner being humiliated and enraged because of the Kucha house of the petitioner filed a complaint against the petitioner for unauthorized construction and an action has been initiated by the authority. It is her case that she has all the documents which indicates about her occupation and possession over the said property since long.

On a specific query to the learned counsel for the petitioner, whether there is any document showing the allotment of the land by any public authority, the answer was in the negative. I find that in a connected writ petition filed by one Sarvan Kumar Mansukhani, the SDMC has taken action for demolition of the unauthorized construction.

Suffice, it would be state that in the absence of any titled documents in favour of the petitioner, no relief as prayed for by the petitioner can be granted.

I do not see any merit in the petition. The same is dismissed.

V. KAMESWAR RAO, J

MAY 06, 2019*/jg*