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

+ **W.P.(C) 4393/2019**

OM PRAKASH JATAV Petitioner

Through: Mr Rajesh Yadav, Advocate.

versus

GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr Manashwy Jha, Advocate for
R-1 & 2.

Mr Parvinder Chauhan, Standing
Counsel with Mr Nitin Jain,
Advocate with Mr Navin Gulati,
AE, DUSIB.

Ms Gauri Chaturvedi, Advocate
for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.04.2019

1. The petitioner has filed the present petition, *inter alia*, impugning a notice dated 08.03.2019 issued by the Delhi Urban Shelter Improvement Board (DUSIB), calling upon the occupants of Raghubir Nagar, D Block, Tagore Garden, New Delhi to vacate the said land mentioned within a period of seven days from receipt of the said notice.
2. The said notice also indicates that the land in question was owned by DUSIB and the occupants therein encroached upon the said land. The said occupants have also been called upon to show cause as to why the proposed order for eviction not to be carried out within a period of seven days from issue of the said notice.

3. The petitioner claims to be the occupant of plot nos. D-9, D-10 and D-12 which are located in Raghbir Nagar, New Delhi – 110027.

4. The petitioner states that in the year 1970, certain persons, who were in occupation of the land in Jhandewalan, New Delhi, were removed from the said property. It is stated that the said persons (fifteen in number) were issued demolition slips and in order to rehabilitate them, it was proposed to allot separate plots of land to them at Raghbir Nagar, New Delhi.

5. The petitioner states that on 24.04.1970, seven out of the said fifteen persons, were allotted plots bearing No. D-1 to D-7, Raghbir Nagar, New Delhi. However the remaining eight persons including (Smt. Shakuntala Devi, Sh. Karam Chand, Sh. Mahesh) were not allotted any plot but simply “dumped” in Raghbir Nagar, New Delhi. It is stated that thirteen years thereafter, DDA raised a demand for lease money at the rate of ₹17.52 per month from the said persons, which was duly paid by them. It is stated that at the material time, a protest letter was sent to the Chief Secretary, Delhi Administration.

6. It is averred that the said eight persons were informed that they were not going to be allotted plots that were originally earmarked for them and this led the said persons to file a writ petition on 11.10.1986 – W.P.(C) 1695/1986. It is stated that in the said petition, an interim order was granted on 18.08.1986, restraining the respondents therein from dispossessing the petitioners from the subject land. This Court is informed that the said writ petition was adjourned from time to time and was finally dismissed in default on 03.10.2002.

7. The petitioner claims that he has acquired the rights in respect of the subject land from three of the said eight persons, namely, Smt. Shakuntala Devi, Sh. Karam Chand and Sh. Mahesh by “*executing the relevant transfer documents*”.

8. It is also averred that in the meantime, it was reported that a criminal case had been filed by CBI. It is at once apparent from the above that the petitioner had acquired no right and title in the subject property. First of all, there was no allotment of land in favour of Smt. Shakuntala Devi, Sh. Karam Chand and Sh. Mahesh. It is admitted by the petitioner that only seven persons were allotted the specific plots. Although it is averred that certain demands for lease rentals were made from Smt. Shakuntala Devi, Sh. Karam Chand and Sh. Mahesh, there is no material on record to indicate the same. The receipts produced by the petitioner to claim that lease rentals were paid mention “L.fee and DC”. It is stated on behalf of DUSIB that DC stands for Damage Charges, which is levied for unauthorised occupation. Admittedly, there is no allotment letter in their favour. However, even if it is accepted – which this court does not – that plots of land were allotted to the allotment of land was made in favour of the said persons (Smt. Shakuntala Devi, Sh. Karam Chand and Sh. Mahesh), they acquired no title or interest in the property which could possibly be transferred to the petitioner. It is the petitioner’s case that land was provided to Smt. Shakuntala Devi, Sh. Karam Chand and Sh. Mahesh for the purposes of their rehabilitation/relocation. The entire object of providing accommodation to persons who were removed was to ensure that they are rehabilitated.

There is no material on record to indicate that any title or interest in the land was created in favour of the said persons in the subject land. Merely producing receipts which indicate that “L. fee & DC” was paid over twenty years ago, does not establish that any right, title or interest in the land was created in favour of the persons from whom the petitioner claims to have acquired the premises.

9. The learned counsel appearing for the petitioner states that certain constructions have been raised by the petitioner on the subject land and therefore the petitioner’s possession of the same cannot be disturbed. The said contention is also unmerited, raising any construction unauthorizedly, would not create any right in favour of the petitioner and DUSIB would be well within its right to demolish the same and remove of the petitioner from the subject land.

10. Since the petitioner has no right to continue in occupation of the subject property, the impugned notice directing the petitioner to vacate the same warrants no interference by this court. DUSIB is entitled to take steps to remove the petitioner in accordance with law. The petition is accordingly, dismissed.

11. Order *dasti* under signatures of the court master.

VIBHU BAKHRU, J

APRIL 26, 2019
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