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

+ **W.P.(C) 7771/2019 & CM APPL. 32314/2019**

NAVNEET GUPTA AND ORS.

..... Petitioners

Through Mr Hitendera Kumar Nahata, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY
AND ORS.

..... Respondents

Through Mr Mayank Bamniyal, Advocate for
PWD/R2.

Mr Ajay Digpaul, Mr Soumava
Karmakar, Mr P.N. Shukla, Advocates for
R4/SDMC.

Mr Awadhesh Kumar Singh, Advocate
for R5.

Mr Arjun Pant, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.08.2019

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

“a. A writ, order or direction in the nature of mandamus directing, commanding the requiring the Respondents not to demolish the property of the Petitioners at K-133, Krishna Park Extn., New Delhi-18, WZK-5, Krishna Park extension, New Delhi, C-32, Gali No. 17, Mahavir Nagar, Delhi, L2/100A New Mahavir Nagar, Delhi, O-160, Mahabir Nagar Extension, Tilak Nagar, New Delhi-110 018, K-129, Krishna Park

Extension, Delhi-110018, O-161, Mahavir Nagar Extension, Tilak Nagar, New Delhi-110 018 , O-160, Mahavir Nagar Extension, Tilak Nagar, New Delhi-110 018 and K-132, Krishna Park Extension, Delhi-110018; Writ, order or direction in the nature of mandamus directing, commanding and required the Respondents not to dispossess the properties of the Petitioners;

- b. Writ, order or direction in the nature of mandamus / certiorari or any other appropriate writ thereby restraining the Respondents to stop taking illegally possession of the properties of the Petitioners without due process as prescribed under the Land Acquisition Act and further directing, commanding and requiring the Respondents to treat the property of the Petitioners, as regularized colony, as regularized by the Respondent DDA by Resolution No. 78 dated 22.04.1983;
- c. Writ, order or direction in the nature of mandamus directing, commanding and requiring the Respondents to appoint the DDA planning commission to conduct a fresh survey and carry out demarcation after taking in account of the Budhela residential scheme and ring road scheme and in consonance with the demarcation as passed through orders dated 11.12.2003, as passed in CWP 2006 of 1997 and dated 07.10.2015 in CWP 313-19, 3818/2014, 3846/2014 and 7372/2014.”

2. The present petition was listed on 19.07.2019 and the parties had relied upon the order dated 07.10.2015 passed in W.P. (C) 313-19/2005, whereby the said writ petition was dismissed with the direction that the 200 feet road be constructed immediately in accordance with the plan. In this context, the Court had directed the respondents to produce the relevant plans in accordance with which the road in question was being constructed. The

copy of the plan has now been produced which indicates that the property belonging to the petitioner falls within the Right of Way (ROW).

3. The learned counsel appearing for the petitioners, states that the site plan being produced today has been drawn up in 2013 and is not the original regularization plan drawn in 1983. He now seeks to challenge the said demarcation and claims that the same is contrary to the regularization plan made earlier.

4. It is pointed out by the learned counsel appearing for the respondent that in another suit CS (OS) 174/2016, orders have been passed by this Court on 08.05.2017 observing that the plaintiff therein cannot thwart the larger action in public interest for removal of encroachments any further. These observations were made as Delhi Development Authority had reported that the properties sought to be demolished fell within the ROW. This Court is also informed that the plan as produced today was also produced before the Court in those proceedings and the observations made by the Court were in the context of this plan.

5. Plainly, if the petitioners are aggrieved by the demarcation carried out, they are at liberty to institute an appropriate action. It is not apposite for this Court to entertain such a challenge in these proceedings.

6. In the aforesaid view, the present petition is disposed of leaving it open for the petitioners to avail of appropriate remedies in accordance with law. The pending application also stands disposed of.

VIBHU BAKHRU, J

AUGUST 01, 2019

pkv