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

+ **W.P.(C) 7903/2019**

SURENDER RANA

..... Petitioner

Through: Mr V.P. Rana and Ms Pooja Wason,
Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Yashish Chandra and Mr
Yashaaswi SK Chocksey, Advocates
for R-1.
Ms Shobhana Takiar, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.07.2019

REVIEW PET. 293/2019 & CM Nos. 34342/2019 & 34345/2019

1. This is a petition seeking review of the order dated 23.07.2019 passed in the captioned petition.
2. The captioned petition was filed, *inter alia*, praying that directions be issued to the respondents to demolish unauthorised construction that was being raised on the property situated in Khasra No.1290 (4 bighas 16 biswas) and 1291 (4 bighas 16 biswas) in the revenue estate of Kadipur, Near Gali No.15, Bhatha Road, Swaroop Nagar, Delhi-110042. The petitioner in the above captioned petition alleged that large-scale construction was being raised on the said land. The petitioner had also claimed that he was in settled possession of the said land and had been

illegally removed from the same. Insofar as the claim made by the petitioner regarding being in settled possession of the land and carrying on cultivation activities, this Court had clearly stated that it was not inclined to examine any controversy in that regard. However, insofar as the petitioner's allegation that unauthorised construction was being raised was concerned, this Court had directed that concerned authorities would take the necessary action to ensure that no unauthorised construction is carried on upon the land in question.

3. The photographs annexed with the petition clearly indicate that fresh construction was being raised and the land was being plotted for such construction. Clearly, this activity is not permissible without necessary approvals. In this view, this Court finds no ground to review the order dated 23.07.2019.

4. The learned counsel appearing for the review petitioner states that he had filed a suit being Suit No.772/2018 captioned '*Shri Satish Kumar v. Gaon Sabha Kadipur*', wherein the respondents have been restrained from taking possible possession of the suit premises, being land comprised in Khasra No. 1291 measuring 4 bighas 16 biswas situated at Village Kadipur, Delhi.

5. The aforesaid order cannot come in the way of the concerned authorities from ensuring that law is not violated and unauthorized construction is not raised. This Court is of the view that notwithstanding the stay order or any order restraining the authorities from taking possession of the property in question, there is no order interdicting them from ensuring that unauthorised construction is not raised on the land in question.

6. The learned counsel appearing for the petitioner has also referred to

an order dated 15.07.2019 passed in Suit No.772/2018, whereby status *quo* was directed to be maintained with regard to the suit property. It also appears from the said order that the fact that construction was being raised on the land was not a part of the plaint. Nonetheless, the defendant had found that some structure was present on the land. The scope of the suit is in the nature of a private dispute and does not extend to interdicting the respondent authorities from carrying on the functions for which they have been statutorily charged. The scope of the said order does not extend protection to the parties in regard to unauthorised construction being carried out contrary to law.

7. In view of the above, the review petition is dismissed. However, it is clarified that any action taken by the respondents will be in accordance with law. The pending applications are also disposed of.

VIBHU BAKHRU, J

JULY 31, 2019
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