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

*Date of Decision: 23<sup>rd</sup> September, 2019*

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W.P.(C) 7694/2018

UMARDIN AND ORS.

..... Petitioner

Through: Ms. Radhika Chandrashekhar, Adv.

Versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Ms. Hetu Arora Sethi, Adv. for R-1,  
R-2 & R-4

Mr. Naresh Kaushik & Mr. B. Tripathi, Adv. for  
R-5

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**JUDGMENT**

:

**D.N. PATEL, Chief Justice (Oral)**

1. This so called Public Interest Litigation has been preferred with the following prayers:

*“i) To direct the Respondent No. 2 / SDM to take all necessary steps for demolishing / remove the unauthorized, unlawful encroachment on 13000 sq. yds. of Gram Sabha land falling in Khasra No. 60, Village Chattarpur, New Delhi;*

*ii) To pass necessary directions, orders directing the Respondents to take all necessary steps to stop encroachment over Gram Sabha land of Village Chattarpur and to direct the Respondent authorities to protect the Gram Sabha land in accordance with law.*

*iii) To pass necessary directions to the concerned authorities to take necessary Departmental Action against Respondent No. 2 to 4 as these Respondents have failed to discharge their duties/obligations in accordance with law.”*

2. Having heard counsel for both the sides and looking into the facts and circumstances of the case, it appears that allegations levelled by this petitioner are about illegal construction carried out by respondent No.5. It is further alleged by the counsel for petitioner that illegal construction carried out by respondent No.5 is in the land owned by Gram Sabha area, New Delhi.

3. We have heard the counsel for respondents No.1 to 4 who has submitted that detailed counter affidavit has been filed. It is further submitted by the counsel for respondents No.1 to 4 that on Revenue side a litigation is going on between respondent No.5 and the State authorities and an order has been passed by the Revenue Assistant dated 18<sup>th</sup> May, 2018 which is modified *vide* further order dated 27<sup>th</sup> December, 2018. It is further submitted by the counsel for respondents No.1 to 4 that the land in question is:

Khasra No.103 (5-19);

Khasra No.104 (1-14); and

Khasra No.60 (2-7)

4. The aforementioned land partly belongs to Gram Sabha and partly belongs to various Departments. It is further submitted by the counsel for respondents No.1 to 4 that the Revenue Assistant has already seized of the matter and an order restraining respondent No.5 from further illegal construction is also passed by the Revenue authority.

5. Counsel appearing for the respondent No.5 submitted that not only the litigation on the Revenue side is going on but there is also one more litigation on the civil side being Civil Suit No.954/2016 is pending before Civil Judge, Senior Division, Tis Hazari Court, New Delhi.

6. It is submitted by the counsel for respondent No.5 that the land was allotted to respondent No.5 in the year 1974 and since then they are in possession of the land. The land was given for reclamation which is already done by the respondent No.5 and they are claiming right, title and interest in the said property under the Land Reforms Act, 1954.

7. Thus, it appears that this is not a public interest litigation at all. All canons of arguments are advanced against respondent No.5 who has already initiated litigation on civil side as well as on revenue side. Both these types of litigations are pending and stay orders are in operation. Hence, we see no reason to entertain this writ petition at this stage. We also do not see any reason to give any direction to respondents for demolition of any construction carried out by respondent No.5. Petitioner is at liberty to file civil suit or proceeding on Revenue side in accordance with law, rules, regulations and Government policy applicable to the facts of the case.

8. With the aforesaid observations, the writ petition stands disposed of.

**CM APPLs.29484/2018 & 53028/2018**

9. In view of the final order passed in W.P.(C) 7694/2018, these applications stand disposed of.

**CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**SEPTEMBER 23, 2019**

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