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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 14024/2019

S. TAJINDER SINGH & ORS

..... Petitioners

Through Mr. Shalabh Gupta, Adv.

versus

THE COMMISSIONER, SDMC & ANR

..... Respondents

Through Mr. Mukesh Gupta, Standing counsel
with Mr. Manyank Ahuja, Adv for R-
1.

Mr. Sanjeev Sagar, Standing Counsel
for DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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06.01.2020

W.P.(C) 14024/2019 & C.M. No.55996/2019 & C.M. No.104/2020

1 With the consent of counsel for parties, the writ petition and the captioned applications are taken up for hearing.

2 It is not disputed by the learned counsel for the petitioners that a civil suit has been preferred, which is pending adjudication before the Senior Civil Judge-cum-RC, South East District, Saket, New Delhi. I am told by the counsel for the petitioners that certain interim orders have been passed by the said Court.

3 It is also not in dispute that the DDA now claims right over the subject property. As a matter of fact, this aspect has been recorded in the order dated 04.12.2019 (a copy of which has been placed before me) passed by the concerned District Court.

4 Learned counsel who appear for the SDMC and the DDA say that a demolition program has been fixed for tomorrow i.e. 07.01.2020. The stand of the learned counsel for the SDMC and the DDA is that the concerned District Court in its order dated 30.01.2019 made it clear that lawful action could be taken by them and it is in this background that the demolition program has been fixed for tomorrow i.e. 07.01.2020.

5 On the other hand, learned counsel for the petitioners seeks to place reliance, *inter alia*, on the letter dated 25.03.2013, which is appended on page 75 of the petition. This letter is addressed by the Deputy Director (N.L), DDA, to the Private Secretary, to the then, Minister for Tourism and Culture, Government of India. Based on this letter, learned counsel for the petitioners submits that the DDA portrayed, at least at that juncture, that the subject property had not been acquired by it.

5.1 Notably, the written statement filed on behalf of the DDA in the suit states to the contrary.

6 Thus, in my view, the best course of action available to the petitioners would be to have the issues raised in the petition, which in substance, are a replica of the suit action agitated before the concerned District Court.

7 Accordingly, the writ petition and pending interlocutory applications are disposed of with liberty to the petitioners to press their claim in the civil suit before the concerned District Court.

8 Insofar as the demolition program is concerned, which has been fixed by DDA for tomorrow, the same would stand over for a period of one week to enable the petitioners to take recourse to an appropriate action, if so advised, as per law.

9 Needless to add nothing stated or observed hereinabove will impact the suit action which is pending adjudication before the concerned District Court.

10 Consequently, the date already fixed i.e. 24.01.2020 is cancelled.

11 *Dasti* under signatures of the Court Master.

RAJIV SHAKDHER, J

JANUARY 06, 2020

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