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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 192/2020 and CM APPL. 6385/2020, 6386/2020**
BAL VIKAS SAMITI (REGD) Petitioner
Through: Mr. Jai Sahai Endlaw and Mr.
Yogendra Kumar Verma, Advocates
(M: 9015236915).

versus

**DELHI URBAN SHELTER IMPROVEMENT
BOARD** Respondent
Through: Mr. Santosh Tripathi, ASC with Mr.
Abhinav Singh and Mr. Vinod Kr.
Goyal, Advocates (M: 9810735073).
Mr. Parvinder Chauhan, Standing
Counsel with Mr. Nitin Jain and Mr.
Rahul Adhana, Advocates with Mr.
Bupesh (AP) for R-2 (M:
9868102274)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% 17.02.2020

1. The present petition has been filed by the Petitioner- Bal Vikas Samiti (Regd), which claims that it is running a private school in Trilokpuri, Delhi. The school was initially recognised by the MCD in 1989. The ownership of the land was transferred to the Delhi Urban Shelter Improvement Board (“DUSIB”). The recognition to the school was withdrawn on 31st March, 2016 in view of some internal management issues, at the request of the school itself. The Petitioner has, thereafter, sometime in 2019, applied for re-recognition to the school. However, on 17th January, 2019 the DUSIB issued a show-cause notice calling upon the school to pay various charges, including annual ground rent, premium etc. Thereafter, at the request of the

Directorate of Education, NCT of Delhi, the DUSIB vide letter dated 21st May, 2019, issued show-cause notice for cancellation of the allotment of land in favour of the Petitioner.

2. After the issuance of the show-cause notice and reply thereto being received, an order was passed under Section 42 of the DUSIB Act, 2010 by which finally, the allotment in favour of the Petitioner was cancelled. The operative portion of the said order reads as under:-

“10. In view of aforesaid facts and documentary evidence, I am of the firm opinion that:-

a) The allotment of land made to the appellant in 1983 has been rightly cancelled and I therefore upheld the order dated 30/7/2019 passed by the Dy. Director (IAL).

b) The appellant is directed to make the; payment in respect of entire amount of premium and Ground Rent alongwith interest @18% on premium amount and 10% of Ground Rent since 1983 to till date plus damages with interest as mentioned in the preceeding para amounting Rs.53,52,210/- (Rs.37,80,450/- + Rs.15,71,760/-) (Rs. Fifty Three Lacs Fifty Two Thousand Two Hundred Ten only).

c) The appellant is directed to make damage charges with interest in respect of encroachment and misuse of Govt land measuring 2008.54 sq.yards @ of Rs.7,84,42,051/- (Rs. Seven Crore Eighty Four Lacs Forty Two Thousand Fifty One only).

d) The appellant is directed to make payment of aforesaid amount as mentioned in (b) and (c) above within 15 days from the date of receipt of this order failing which the aforesaid arrears of revenue shall be recovered as per, law.

e) The appellant is further directed to hand over peaceful possession of the DUSIB land situated at Trilokpuri, Block 8, JJ Colony, Delhi to Executive Engineer CD-09 immediately from the date of receipt of this order failing which the DUSIB land shall be got vacated by Ex. Engineer (CD-09) as per provisions of DUSIB Act.”

3. Ld. counsel for the Petitioner submits that this order passed by the DUSIB was appealed against to the ld. Lieutenant Governor under Section 45 of the DUSIB Act. The said appeal was filed on 9th December, 2019 and despite repeated applications for stay being filed, the matter has not been taken up.
4. It is stated that the matter is now listed for hearing before the ld. LG on 25th March, 2020.
5. In the meantime, the Petitioner alleges that the DUSIB has applied for police force etc., to take possession of the land/school from the Petitioner.
6. Ld. counsel appearing for DUSIB submits that the Petitioner has no right in law, inasmuch as the school has been de-recognised and the allotment of the land itself stands cancelled. Moreover, there are huge amounts of dues in terms of fines, interest and penalties which are to be paid, and even the premium for allotment has not been paid by the Petitioner. Under these circumstances, it is submitted that no relief is liable to be granted in favour of the Petitioner.
7. It is further urged before the Court that apart from the 3,000 sq. yds which were allotted to the school originally, there is illegal encroachment to the tune of approximately an additional 2,000 sq. yds which is contrary to law.
8. At the request of the Court, ld. counsel for the Directorate of Education was called. Attention has been drawn to the letter dated 21st May, 2019 by which the Directorate of Education has requested DUSIB to cancel the lease deed in favour of the Petitioner, and further requested allotment of the land to the Directorate of Education for running a government school.

Considering that the appeal is listed on 25th March, 2020, and that the school has 200 students who are studying in classes 1 to 7, as also the fact that the academic session is coming to an end in February – March 2020, it is directed as under:-

- i. The appeal and the stay application shall be heard by the Id. LG either on or before 25th March, 2020 after giving due notice to the Petitioner and to the Respondent.
 - ii. The Directorate of Education is permitted to appear and make submissions before the Id. LG
 - iii. If the order of the DUSIB is upheld, the Id. LG would also be entitled to consider as to the mechanism that would be required to be adopted in order to ensure that the students studying in the school are not inconvenienced.
 - iv. Since the matter has been listed before the Ld. Lieutenant Governor on 25th March, 2020, no coercive measures would be taken by the DUSIB to take possession of the school until then.
9. This Court has not given any opinion on the merits of the disputes raised by the Petitioner, in view of the fact that the parties are being relegated to make their submissions before the Ld. Lieutenant Governor. With these observations, the petition with all pending applications is disposed of.
10. Order *dasti* under signatures of the Court Master.

PRATHIBA M. SINGH, J.

FEBRUARY 17, 2020
MR/RG