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

+ W.P.(C) 4701/2020 & CM APPL. 16919/2020 (stay)

VIPIN BHARDWAJ

..... Petitioner

versus

GOVERNMENT OF NCT OF DELHI THROUGH ITS CHIEF
SECRETARY & ORS.

..... Respondents

+ W.P.(C) 4702/2020 & CM APPL. 16922/2020 (stay)

SATISH CHAND GUPTA

....Petitioner

versus

GOVERNMENT OF NCT OF DELHI THROUGH ITS CHIEF
SECRETARY & ORS

.....Respondents

+ W.P.(C) 4719/2020 & CM APPL. 17005/2020 (stay)

GIAN CHAND GUPTA & ORS.

versus

GOVERNMENT OF NCT OF DELHI THROUGH ITS CHIEF
SECRETARY & ORS.

....Respondents

Through: Ms. Smita Maan, Advocate for
petitioners.

Ms. Hetu Arora Sethi, ASC
(GNCTD) for R-1 & R-3.

Mr. Arun Birbal, SC for R-2/DDA.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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10.08.2020

The hearing was conducted through video conferencing.

1. These petitions seek the following reliefs:

“W.P.(C) 4701/2020

- i. *Issue a writ, order or direction in the nature of Prohibition thereby restraining the respondents from interfering with and/or taking the forcible possession of the private land owned and possessed by the Petitioner comprised in khasra no. 350(1-05), 334(4-01), 336(10-02), 345(1-03) and 338(1-18), total admeasuring 18 bigha and 9 biswas, situated in village Mehrauli, Mehrauli-Mahipalpur Road, New Delhi, without any due process, procedure and sanction of law.*
- ii. *Pass such other further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.*

W.P.(C) 4702/2020

- i. *Issue a writ, order or direction in the nature of Prohibition thereby restraining the respondents from interfering with and/or taking forcible possession of the private land owned and possessed by the Petitioner comprised in khasra no. 317(0-02), 331(0-19), 332(4-09), 333(4-14), total ad-measuring 10 bigha 4 biswas and land measuring 2 bigha and 1 biswa comprised in khasra no. 340, situated in village Mehrauli, Mehrauli-Mahipalpur Road, New Delhi, without any due process, procedure and sanction of law.*
- ii. *Pass such other further order(s) which this*

Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

W.P.(C) 4719/2020

- i. *Issue a writ or direction in the nature of Prohibition thereby restraining the respondents from interfering with and/or taking the forcible possession of the private land owned and possessed by the petitioners comprised in khasra no. 307(0-03), 308 (1-17), 312 (0-04), 317 (0-08), total ad-measuring 2 bigha and 12 biswas, situated in village Mehrauli, Mehrauli-Mahipalpur Road, New Delhi, without any due process, procedure and sanction of law.*
- ii. *Pass such other further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

2. The petitioners are apprehensive that they will be dispossessed of their respective properties, as mentioned hereinabove, of which they claim to be the rightful owners.
3. The Counter Affidavit on behalf of respondent nos. 1 and 3 is stated to have been filed. Let it be brought on record.
4. The learned ASC for respondent nos. 1 and 3, states that a demarcation exercise was carried out on 21.07.2020 by the GNCTD for removal of encroachment from the public street linking Mehrauli with Mahipalpur, Delhi. This is a vital arterial road linking the city's airport. She submits that widening of this road is a part of Development Plan of Delhi and most of this road has already been

widened, except for the small patch of about 750 metres to 1 k.m., which remains a major bottleneck. However, as a matter of law, the State can never displace anybody unless their land has been acquired. However, removal of encroachment from an existing public street, is an entirely different matter.

5. The learned ASC further submits that the demarcation exercise is being carried out and the relevant part of the Demarcation Report will be supplied to the petitioners, as and when it is completed. Let it be so done. Should the petitioners be aggrieved by the Demarcation Report, they will be free to avail legal remedies
6. The writ petitions, alongwith pending applications, are disposed-off in terms of the above.
7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 10, 2020

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