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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 13th April, 2021
+ **W.P.(C) 4621/2021**

MUKHTIAR SINGH Petitioner
Through: Mr. Rahul Sagar Sahay, Advocate.

versus

STATE OF NCT OF DELHI & ORS. Respondents
Through: Mr. Satyakam, ASC.
Mr. Parvinder Chauhan, Advocate.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through video conferencing.

CM APPL. 14190/2021 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

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3. The present petition has been filed by the Petitioner - Mr. Mukhtiar Singh, son of Mr. Om Prakash, with a prayer that the DUSIB ought to cancel the allotment of the land on Khasra No. 357, Village Khampur Reya, which has been allotted to the Police Station, Ranjeet Nagar.

4. The case of the Petitioner is that the land which has been allotted to the police station ought to have been a park, and the said police station ought not to be permitted to operate from the said premises.

5. At the outset, both Id. Counsels appearing for the GNCTD and DUSIB, have raised preliminary objections.

6. On behalf of the GNCTD, Mr. Satyakam, Id. ASC, submits that the allotment which is under challenge dates back to the 1980's, and in any event since 2003, the Ranjeet Nagar Police Station has been operating from the premises in question. It is also submitted that all the allegations which are raised are disputed questions of fact, and the same ought to be adjudicated only by way of suit proceedings and not in a writ petition. It is finally submitted by Mr. Satyakam, Id. ASC that the writ petition is hopelessly barred by delay and laches.

7. Mr. Chauhan, Id. Counsel appearing for DUSIB submits that the Petitioner is guilty of suppression of material facts. Firstly, it is submitted that the Petitioner is the son of Mr. Om Prakash, as has been mentioned in the memo of parties. It is submitted that Mr. Om Prakash has filed a suit being **CS No.1257/2019**, which is pending before the Additional Senior Civil Judge, Tis Hazari Courts, Delhi, seeking demolition of the said Ranjeet Nagar Police Station and also reliefs *qua* the alleged unauthorized construction. Secondly, Mr. Chauhan, Id. counsel submits that the same very Mr. Om Prakash has also filed an appeal under Section 45 of the DUSIB Act, 2010, before the Lieutenant Governor being **Case No.33/2019**, praying for cancellation of allotment of the said land for the Police Station. It is submitted that both these facts do not find any mention in the writ petition.

8. Further, according to Mr. Chauhan, Id. Counsel, the construction of the Police Station was completed on 16th February, 2003 and, therefore, this writ petition cannot be entertained after 18 years of delay.

9. Upon being asked to respond to the said preliminary objections, Id. Counsel for the Petitioner submits that the suit which is pending before the ASCJ, Tis Hazari Courts, relates to private land, and in the present writ

petition, what has been challenged is the use of the land which ought to be a park and is public land, by the construction of barracks. Secondly, it is submitted that the Khasra No. of the land which is under dispute in the suit proceedings, is different from the Khasra No. which has been mentioned in the present writ petition. It is however conceded that the said suit relates to the Police Station, Ranjeet Nagar, and so does the present writ petition.

10. When asked specifically to show as to where, in the writ petition, are the facts relating to suit proceedings being pending and other proceedings before Lieutenant Governor disclosed, Id. Counsel for the Petitioner is unable to point out to any such disclosure having been made.

11. Considering the fact that the Petitioner is admittedly the son of Mr. Om Prakash, it is clear that the private dispute of the Petitioner and his family in respect of the said land is pending adjudication. The writ is nothing but a parallel proceeding which the son seeks to pursue, in respect of the same very land and in respect of the same very police station in Ranjeet Nagar. The non-disclosure of the pending suit and other proceedings goes to the root of the matter inasmuch as the Petitioner, having knowledge of the proceedings initiated by his father, had a duty to make a fair disclosure of the same before this Court.

12. Even otherwise, the issues raised in the present petition are not capable of being adjudicated in writ proceedings.

13. In view of the non-disclosure of the pending suit and other proceedings by the Petitioner, and the fact that the issues which have been raised in the present petition are not capable of being adjudicated in writ proceedings, the present petition is dismissed.

14. Due to non-disclosure of parallel proceedings *qua* the same police station in Ranjeet Nagar, the Petitioner shall pay costs of Rs.15,000/- each to the DUSIB and the High Court of Delhi (Middle Income Group) Legal Aid Society (Account No: 15530110135488). The said costs shall be paid within a period of four weeks.

15. Ld. counsel for the Petitioner submits that he is appearing through legal aid. If the Petitioner and his family are the owners of a private land of this nature, and are pursuing suit proceedings *qua* the said land already, it is unclear as to why legal aid is being extended to them. The Secretary, Delhi High Court Legal Services Committee (DHCLSC) to put up a report in this regard.

16. Accordingly, the present petition is dismissed. List for receiving the report of DHCLSC on 27th May, 2021. By the said date, the proof of payment of costs shall also be filed before this Court.

**PRATHIBA M. SINGH
JUDGE**

APRIL 13, 2021

Rahul/As