

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

Date of decision: 24<sup>th</sup> JANUARY, 2023

IN THE MATTER OF:

+ **LPA 31/2023 & CM APPL. 2020/2023**

**RANJEET SINGH**

..... Appellant

Through: Mr. A.K. Dubey and Mr. Pawan,  
Advs.

versus

**THE COMMISSIONER OF MCD AND ANR**

..... Respondent

Through: Mr. Manu Chaturvedi, SC, MCD with  
Mr. Malhar Desai, Advs. for R-1

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**JUDGMENT**

**SUBRAMONIUM PRASAD, J.**

1. The Appellant seeks to challenge the Order dated 13.07.2022, passed by the learned Single Judge in W.P.(C) 8078/2022, which was filed by the Appellant herein before the learned Single Judge seeking for a direction to the Respondents herein to demolish the illegal and unauthorized construction on the property bearing No. A-862, A-863 & A-864 Gharoli Dairy Farm, Delhi (*hereinafter referred to as 'the property in question'*).

2. It is stated that the property in question was allotted in the name of the Appellant herein for carrying out the business of dairy farm. It is stated that in 1984, during the riots, the Appellant herein had to leave Delhi and when he came back in 1988 he found that EDMC and the Husbandry Department of the EDMC had cancelled the allotment. It is stated that the Appellant,

thereafter, filed a Writ Petition, being W.P.(C) 7179/2000, before this Court challenging the cancellation order. W.P.(C) 7179/2000 was disposed of *vide* order dated 10.02.2003. The reliefs, as prayed for, by the Appellant were not granted. The Appellant herein, thereafter, filed another Writ Petition, being W.P.(C) 777/2014, which was disposed of by this Court *vide* Order dated 13.03.2015. It is stated that Order dated 13.03.2015 was challenged by the Appellant herein by filing LPA 650/2015. A Division Bench of this Court *vide* Order dated 29.09.2015, disposed of the LPA by directing the Appellant herein to invoke civil remedies for seeking recovery of possession of the property in question. It is stated that the Appellant herein filed a Suit, being Civil Suit No.2747/2016, for recovery of possession of the property in question and the said Suit was dismissed by an Order dated 19.05.2018. It is stated that the Appellant herein challenged the dismissal of the Civil Suit by filing an appeal, being RFA No.808/2018, which was dismissed by order dated 24.09.2018. The Appellant herein, thereafter, has approached this Court by filing W.P.(C) 8078/2022 stating that the allotment of the Appellant herein was cancelled and the property has vested with the EDMC, and the EDMC has not taken any steps to get back the property in question which is under the occupation of rank trespassers who have erected constructions on the property. The Appellant has prayed for the following reliefs in the said Writ Petition:

*“a) To demolish the illegal & unauthorized construction on the Property Bearing No.A-862, A-863 & A-864 , Gharoli Dairy Farm, Delhi-110091;*

*b) To take back possession of the Property Bearing No.A-862, A-863 & A-864, Gharoli Dairy Farm, Delhi-110091 , in the interest of justice;*

*c) To pass any other order / direction keeping in view all the fact & circumstances of the present ease;”*

3. The said Writ Petition was dismissed *vide* Order dated 13.07.2022 on the statement of the counsel for the Corporation that follow-up action is being taken. It is this Order which has been challenged in the instant Appeal.

4. Heard learned Counsel for the parties and perused the material on record.

5. Learned Counsel for the Appellant has reiterated the contentions raised by him in the Writ Petition. We have perused the records of the case. The Appellant has failed in his attempt to get the order cancelling his allotment set aside. Two Writ Petitions have been filed by the Appellant which have been rejected by this Court and the Civil Suit filed by him for recovery of possession and the appeal have also been rejected, and the orders have attained finality.

6. Learned Counsel appearing for the MCD has reiterated his statement made before the learned Single Judge that steps are being taken by the Municipal Corporation to recover the property in question from the trespassers. It has been recorded in the order of the learned Single Judge that the person who is in the occupation of the property in question has approached this Court by filing W.P.(C) 2239/2018 challenging the order of eviction dated 15.03.2018, passed by this Court and follow-up action is being taken.

7. In view of the above, no interference is called for in the Order passed by the learned Single Judge.

8. Accordingly, the appeal is dismissed, along with pending application(s), if any.

**SATISH CHANDRA SHARMA, C.J.**

**SUBRAMONIUM PRASAD, J**

**JANUARY 24, 2023**

*Rahul*

