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

% *Decided on: 1st May, 2023*

+ **W.P.(C) 14520/2022 & CM APPL. 44400/2022**

YUDHVEER YADAV Petitioner

Through: Ms. Jyoti Nambiar, Advocate
versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Through: Mr. Tushar Sannu, Advocate
for GNCTD with Mr.Devvrat
Tiwari, Advocate
(M:9911991166)
Mr. O.P. Sayyal, SDM Alipur
Office
Mr. Sanjay Katyal, Standing
Counsel for DDA along with
Mr. Nitin Mishra, Mr. Nihal
Singh, Advocates
(M:8920345880)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA
[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

W.P.(C) 14520/2022 & CM APPL. 44400/2022

1. The present writ petition has been filed on behalf of petitioner against the restraintment order as passed by the respondents.
2. The property of the petitioner is stated to be situated in Khasra No. 146 (12-06), village Shahabad Daulatpur, Delhi.
3. On the other hand, on behalf of respondent No.1, Mr. Tushar Sannu had filed a short affidavit earlier, wherein it is clearly stated

that the action taken on behalf of respondent Nos. 1 and 2 is in Khasra No. 192 (8-3) and Khasra No. 193 (1-3). Thus, it has been stated very clearly on behalf of respondents that no action has either been taken in Khasra No. 146 (12-06), village Shahabad Daulatpur, Delhi, nor are there any instructions in that regard with respect to taking any action in the Khasra number under the ownership of the petitioner.

4. The short affidavit as filed on behalf of the respondents in this regard reads as under:

“... ..

7. That, the Restraintment Order dated 19.09.2022 and Demolition Order dated 22.09.2022 were related to the Sarker Daulatmadar/ Acquired Land bearing Khasra No. 192 (8-3) and 193 (1-3) situated in village Sahabad Daulatpur, Delhi and did not pertain to Khasra No. 146 (12-06) as claimed by the Petitioner in his Writ Petition.

8. That, it is further stated that Respondent No. 1 & 2 have not taken Demolition action against construction situated in land bearing Khasra No. 146 (12-06).”

5. In support of the submissions, pursuant to the directions of this Court vide order dated 05.12.2022, a copy of the site plan/Aks-Sizra has also been filed on behalf of the respondents. In the said site plan/Aks-Sizra, it has clearly been shown that the action that has been taken by the respondents is on the area which has been marked in Orange in Khasra No. 192 (8-3) and 193 (1-3).

6. The area under the ownership of the petitioner viz. Khasra No. 146 (12-06) village Shahabad Daulatpur, Delhi has been shown in Pink color in the said site plan. Thus, it is submitted on behalf of the

respondents that no action is being taken or sought to be taken as no restraintment order has been passed with respect to the property of the petitioner.

7. In view thereof, it is clear that the prayers as made by the petitioner stands satisfied as there is a clear statement made on behalf of the respondents that no action has been taken or sought to be taken against the property of the petitioner.

8. In view of the aforesaid, the present writ petition along with the application is disposed of, recording the aforesaid submissions made on behalf of the respondents.

MINI PUSHKARNA, J

MAY 1, 2023

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