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

+ **CONT.CAS(C) 37/2018 & CM APPL. 1975/2018**

**LOKESH AND ORS.**

..... Petitioners

Through: Mr. Kamlesh Kumar Mishra, Mr.  
Dipak Raj, Mr. B.B. Mishra,  
Advocates.

versus

**UDAI PRATAB SINGH VICE CHAIRMAN DDA AND ORS.**

..... Respondents

Through: Ms. Shobhana Takiar, SC, Ms.  
Deeksha L. Kakar, Advocate with  
Ms. Akansha Choudhary, Mr.  
Rashneet Singh, Advocates for DDA  
along with Mr. Kamleshwari Pandit,  
Tehsildar.

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**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**23.04.2024**

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1. None appears for the petitioner when the matter is taken up for hearing.
2. Learned counsel appearing for the respondent has drawn the attention of this Court to the reply filed on behalf of the respondent-Delhi Development Authority ("DDA") and submits that the present petition has become infructuous, as possession of the land in question, has already been taken over by the DDA.
3. Perusal of the record shows that the present petition has been filed



alleging non-compliance of the order dated 19<sup>th</sup> April, 2006 passed in W.P.(C) No. 14260/2004, wherein the following directions were passed:

“xxx xxx xxx

*15. Declining the relief as prayed for as per prayer (c) to (f), I dispose of the petition directing DDA not to resume possession of land from any member of the petitioner save and except after following the due process of law with a clarification that the present mandamus would not apply to any land which is within 300 meters on either side of river Yamuna.*

xxx xxx xxx”

4. Thus, in terms of the aforesaid order, it had been directed that the DDA shall not resume possession of the land from petitioners, save and except after following the due process of law.

5. It is the case on behalf of the respondent-DDA that pursuant to the directions passed by this Court, various Show Cause Notices had been issued by the DDA to the petitioners. However, despite several opportunities, the petitioners did not respond to the Show Cause Notices and subsequently, eviction orders were passed, which have been attached as *Annexure R-5(Colly*, along with the reply of the DDA.

6. The said eviction notices were challenged by the petitioners by way of writ petition being W.P.(C) No. 5214/2018, which was dismissed vide judgment dated 27<sup>th</sup> March 2023. Thus, the challenge of the petitioners to the eviction notices issued to the residents of the area, was dismissed by way of the aforesaid judgment dated 27<sup>th</sup> March, 2023.

7. Pursuant thereto, demolition and eviction proceedings were carried out by the respondent-DDA on 27<sup>th</sup> March, 2023. It is the case on behalf of the DDA that the present petition has been rendered infructuous, as the petitioners are not in possession of the land any more.



8. Further, it is the case of the DDA that the possession of the land has been taken over, after following the due process of law, by issuance of Show Cause Notices to the petitioners and passing of eviction orders, which have been upheld by this Court by way of judgment dated 27<sup>th</sup> March, 2023 passed in *W.P.(C) 5214/2018*.

9. The relevant portions of the reply filed on behalf of the DDA is extracted as below:

“xxx xxx xxx

*3. At the further outset, it is respectfully submitted that the Khasra numbers in question fall under the area of Bela Estate, Vijay Ghat, New Delhi-110006. By way of the Final Order and Judgement dated 27.03.2023 passed by this Hon'ble Court in Writ Petition (C) No. 5214 of 2018, in the matter of Bela Estate Mazdoor Basti Samiti Vs. DUSIB and Others, the challenge to the eviction notices issued to the residents/occupants of the area was dismissed by the Hon'ble Court. Further, the prayer for rehabilitation was also held to be without merit and accordingly dismissed. Pursuant thereto, the demolition and eviction proceedings were carried out in the area on 27.03.2023, wherein the entire land was cleared of all encroachments and occupants, including the Petitioners herein.*

*4. In view of the aforementioned, it is respectfully submitted that the present Petition is rendered infructuous, in as much Petitioners herein are neither in possession of the lands, as claimed under the Petition nor have any right, title, interest in respect thereof towards any further reliefs. Possession of the land under Bela Estate vests with the Respondent Authority/DDA and is being developed/restored in terms of the various directions issued by the Hon'ble National Green Tribunal, this Hon'ble Court as also the Hon'ble Supreme Court of India, for the restoration and rejuvenation of the Yamuna flood plains. It may be relevant to mention here that by way of SLP (C) No. 9284 of 2023, the Petitioners in the said Writ Petition (C) No. 5214 of 2018 have preferred a challenge to the said Order dated 27.03.2023, primarily on the ground of rehabilitation of the residents/occupants. The matter is pending before the Hon'ble Supreme Court. However, notice in the said Special Leave Petition has not been issued till date. A copy of the Order dated 27.03.2023 passed in Writ Petition (C) No. 5214 of 2018 is annexed hereto as Annexure "R-1".*

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6. It is most respectfully submitted that the land at Bela Estate, Vijay Ghat, New Delhi-110006, i.e., the land in question in the present case, is government land which has been placed at the disposal of the Respondent Authority vide the Nazul Agreement of 1937 entered into between the Secretary of State for India and the predecessor-in-interest of the Respondent Authority, namely the Delhi Improvement Trust (hereinafter referred to as "**DIT**"). In the year 1949, a lease deed was executed regarding this land by the DIT for a period of five years in favour of the Delhi Peasants Co-operative Multipurpose Society (hereinafter referred to as "**the Society**"), of which the Petitioners are also members. This lease was extended from time to time, but finally stood expired on 14.06.1966, a fact which the Petitioners have also admitted in their Contempt Petition. Pursuant to this, show cause notices were issued to the Petitioners and ultimately eviction orders were passed against them. In the light of the expiry of the aforesaid lease and the eviction orders passed against the Petitioners, no right, title or interest accrues in their favour with respect to the said land. Thus, the present Contempt Petition merits to be dismissed on the ground of lack of locus standi of the Petitioners alone.

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9. It is submitted that relying upon the judgment passed in the case of **Suhas H. Pophale v Oriental Insurance Co. & its Estate Officer (2014) 4 SCC 657**, the Petitioners have erroneously stated that the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as the "**Public Premises Act, 1971**") would not be applicable to them and that no action for their dispossession could be taken thereunder and furthermore any action being taken against them has to be in accordance with the Delhi Land Reforms Act, 1954.

xxx xxx xxx

17. It is humbly submitted that the Respondent Authority, which is responsible for management and disposal of land in Delhi inter alia, was directed by this Hon'ble Court in the case of **Wazirpur Barton Nirmata Sangh v Union of India & Ors. W.P. (C) 2112/2002** vide orders dated 08.12.2005 and 29.03.2006 to remove encroachments up to 300 meters from both sides of river Yamuna. Subsequently, in the case of **Delhi Peasants Co-operative Multipurpose Society Ltd. v Delhi Development Authority W.P. (C) 14260/2004**, whose contempt is being alleged by way of the present Contempt Petition, this Hon'ble Court vide order dated 19.04.2006 had directed the Respondent Authority to not resume the possession of land from the members of the Petitioner Society, except by following



*due process of law. Acting on the directions issued in the aforesaid case, the Respondent Authority issued show cause notices to the Petitioners herein under Section 4(1) of the Public Premises Act, 1971. Thereafter, due opportunity was given to the Petitioners, the Society and the Respondent Authority to raise their objections and state their case, post which the Estate Officer issued eviction orders against the Petitioners herein. It should also be noted that despite multiple opportunities, none of the Petitioners appeared before the Ld. Estate Officer and they were proceeded ex-parte vide order dated 16.04.2015.*

*18. As stated above, the Respondents have only followed the directions of this Hon'ble Court and discharged its functions by following the process of law both in letter and spirit. Thus, any question of contempt of the final order and judgment of this Hon'ble Court dated 19.04.2006 does not arise. The present Contempt Petition merits to be dismissed on this ground alone.*

*xxx xxx xxx”*

10. Considering the aforesaid, it is manifest that the requisite action has been taken by the DDA after following the due process of law, in terms of the directions passed by this Court.

11. Accordingly, the present petition is disposed of.

**MINI PUSHKARNA, J**

**APRIL 23, 2024**

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