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

+ CM(M) 2087/2024

KHEM KARAN

..... Petitioner

Through: Mr. Akhlesh Kr. Singh, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Ms. Prabha Sahay Kaur, St. Counsel
for DDA with Mr. Bir Inder Singh,
Adv. and Mr. K.S. Jaggi, Adv. for
Ms. Nandadevi Deka, Panel Lawyer.
Mr. Avni Singh, Adv. for R-
3/GNCTD.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **14.03.2024**

CM APPL. 14888/2024—Exp.

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

CM(M) 2087/2024, CM APPL. 14887/2024—stay, CM APPL. 14889/2024—30 days in filing appeal

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 13.12.2023 passed by the learned Additional District Judge-01, Shahdara district, Karkardooma, Court, Delhi, (“Trial Court”) in M.C.A. bearing no.29/2023 titled as “*Khem Karan vs. DDA & Ors.*”, whereby the stay granted vide order dated 18.05.2023 was vacated.

4. The petitioner along with jhuggi dwellers filed a suit bearing CS No. 127/2015 before the learned Trial Court and the status quo was granted by



the learned Trial Court. The petitioner withdrew the suit with the liberty to file a fresh suit on 17.09.2019. Subsequently, the petitioner herein filed a fresh suit bearing no. 1390/2019. Written statement was filed by the respondent no. 1 on 25.09.2020. On 25.03.2023, the petitioner filed miscellaneous civil appeal before the Principal District & Sessions Judge, Karkardooma Courts, Delhi (hereinafter 'appellate court'). Further on, 18.05.2023, the learned Appellate Court has appreciated the appeal where the delay of 56 days was existing. The petitioner filed an application under Section 5 read with Section 151 CPC for condoning the delay. The learned Appellate Court vide order dated 18.05.2023 restraining the respondents from taking any action with respect to demolition of jhuggi / property till the next date of hearing.

5. The petitioner has preferred the present petition as it is the case of the petitioner that on 13.12.2023 the respondents submitted that the petitioner is an encroacher on DDA land and the interim order was obtained by misleading the learned Trial Court and by hiding the facts of the appeal, where no substantial facts were submitted in support of the submissions and without hearing the petitioner the interim order was vacated.

6. In pursuance to the order dated 12.03.2024, the respondent no.1 has filed a short affidavit on record wherein it has been mentioned that petitioner is a rank encroacher on the property in question which falls in Khasra no. 37 min and Khasra no. 38 min, Village-Mandawali, Fazalpur, Delhi.

7. It is further submitted that on 05.02.2024, the respondent sent Letter No.F50(124)2023/DDLM/SHAHDARA/DDA/266 to the Deputy Commissioner of Police requesting for police assistance for conducting Demolition/ Encroachment removal on 09.02.2024 at Kailash Deepak



Hospital, Village Karkardooma and Mandawali-Fazalpur, Delhi. Lastly, it is the submission on behalf of the respondent no.1 that on 09.02.2024 the respondent successfully conducted the demolition drive at the subject land and removed all encroachment including the petitioner's temporary chapper and took possession of the said land. The photographs of demolition drive conducted on 09.02.2024 have also been annexed with short affidavit.

8. At this stage, the learned counsel for the petitioner admits that the present petition has become infructuous however he seeks directions for the learned Trial Court to expeditiously dispose of his suit pending before the learned Additional Senior Civil Judge and the M.C.A. pending before the Court of learned ADJ.

9. In view of the submissions, both the Court of learned ADJ as well as the learned Senior Civil Judge, Karkardooma, is directed to expeditiously dispose of the aforesaid proceedings respectively pending before them.

10. No further directions are required as the demolish drive has been conducted by respondent no. 1 on 09.02.2024.

11. Accordingly, the petition along with pending applications stands disposed of as withdrawn.

SHALINDER KAUR, J

MARCH 14, 2024/SDS