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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3698/2024 & CM APPLs. 15196/2024, 15197/2024 &
15198/2024**
SHABANA Petitioner

Through: Mr. Kamran Malik with Mr. Mohd
Ashraf H. , Advocates.
(M): 9312702594

versus

DELHI DEVELOPMENT AUTHORITY & ORS..... Respondents

Through: Ms. Manika Tripathy, SC, DDA with
Mr. Aishwary Jaiswal, Advocate with
Mr. Ashish Dixit, Senior Law Officer
for respondent/DDA.
(M): 9109000354
Mr. Mohd. Irsad, ASC, GNCTD with
Ms. Nasreen, Mr. Kunal Raj and
Mr. Shailesh Chauhan, Advocates for
respondent no. 2 and 3.
(M): 9999679903
Email: mohdirshad.law@gmail.com.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **13.03.2024**

CM APPL. 15197/2024 & 15198/2024 (for exemptions)

1. Exemptions allowed, subject to just exceptions.
2. Applications are disposed of.

W.P.(C) 3698/2024 & CM APPL. 15196/2024



3. The present petition has been filed for issuance of directions to the respondents not to disturb the petitioner and his property by demolishing the same. It is prayed that the respondents be restrained from demolishing and removing the dwelling house of the petitioner i.e. R-797, Khasra No. 422/260, Opposite Umar Masjid, Joga Bai Extension, Jamia Nagar, Okhla New Delhi-110025, which is part of Khasra No. 422/260, Joga Bai Village, Tehsil Mehrouli, Delhi.

4. It is submitted that action is being taken by the respondent no. 1-Delhi Development Authority (“DDA”) in terms of the directions passed by the National Green Tribunal (“NGT”). It is further submitted that though land in question was acquired, however, no possession of the land was taken. Thus, it is submitted that the acquisition of the land in question has already lapsed in terms of Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. Learned counsel further submits that the petitioner had submitted a representation dated 05th December, 2023 to the DDA, which has still not been considered and disposed of by the DDA. Learned counsel for the petitioner, thus, submits that the petitioner shall be satisfied for the moment, if directions are issued to the DDA to consider and dispose of the representation of the petitioner.

6. Per contra, learned counsel appearing for respondent no. 1/DDA submits that the said land is part of the Yamuna Flood Plain. She further submits that encroachments exist on the land in question and in terms of the various orders passed by the NGT, action is being taken by the DDA time and again to remove the encroachment from the Yamuna Flood Plain. She



further submits that the land in question is a public land and the same already stands acquired.

7. She further submits that the petitioner has no locus to file the present petition, as the basis of claiming ownership in the property in question is a General Power of Attorney (“GPA”) of the year 2019, when the whole area in question already stands acquired.

8. Having heard learned counsel for the parties, since the only prayer pressed by learned counsel appearing for the petitioner is that his representation dated 05th December, 2023 be considered by the DDA, it is directed that the DDA shall consider and dispose of the aforesaid representation of the petitioner, within a period of two weeks from today. Further, it is directed that present petition shall also be considered as a representation and all the documents filed along with the present petition shall be considered by the DDA.

9. In case, the petitioner wants to submit any additional documents to the DDA, the same shall be done within a period of one week from today to the concerned official of the DDA, i.e, Deputy Director (Land Management), DDA, Vikas Sadan, INA, Delhi.

10. It is directed that the DDA shall pass a speaking order on the representation of the petitioner within a period of two weeks from today.

11. It is directed that the DDA shall keep its action against the property in question, in abeyance for a period of two weeks till disposal of the representation of the petitioner.



12. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

MARCH 13, 2024

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