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

+ **W.P.(C) 5715/2024 & CM APPL. 23574/2024**

RAMWATI & ORS.

.....Petitioners

Through: Mr. V.P. Rana and Mr. Anil Kumar,
Advocates.

versus

LT. GOVERNOR OF DELHI AND ORS.

.....Respondents

Through: Mr. Karn Bhardwaj, ASC, GNCTD
with Mr. Shubham Singh, Mr. Rajat Gaba and Mr.
Saurabh Dahiya, Advocates for R2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

31.07.2024

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1. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following relief:

“i. Call entire records from the office of concerned respondents with regard to grant of approval and with regard to making of allotment of land vide letter dated 07.08.2015 and peruse and decide the legality of the entire exercise/orders passed by the authorities wherefrom the final letter dated 07.08.2015 has emanated.”

2. At the outset, learned counsel appearing on behalf of Respondent No.2 draws the attention of the Court to the fact that Petitioners have already availed their remedy by filing a Civil Suit No. 160/2022 before the District and Sessions Judge, North District, Rohini Courts, Delhi, wherein the Petitioners have sought a decree of declaration in their favour and against the Defendants therein for declaring the Petitioners (Plaintiffs therein) as owners/co-owners/co-sharers of the suit property i.e. Khasra No.450, admeasuring 4 bighas 16 biswas situated in Revenue Estate of Village &



Post Office Kadipur, Delhi, as also seeking a decree of permanent and mandatory injunction. It is also submitted that in the meantime, the subject land was allotted to the Directorate of Education and the Department had moved an application for its impleadment in the suit, which was allowed.

3. Learned counsel appearing for the Petitioners, on instructions, at this stage seeks to withdraw the present writ petition with liberty to file an appropriate application in the pending suit to raise all issues and contentions raised in the present writ petition and seek the relief as claimed herein. He further submits that in view of the fact that Village Kadipur has been urbanised vide Notification dated 16.05.2017, provisions of Delhi Land Reforms Act, 1954 will not apply and the Respondents should not take an objection of the existence of an alternate remedy before the Civil Court when the Petitioners file the appropriate application.

4. This writ petition is disposed of granting liberty to the Petitioners to approach the Civil Court in the pending suit, as aforementioned, for agitating all the contentions raised in the present writ petition, in accordance with law. As and when the application is filed, it would be open to the Civil Court to examine its jurisdiction in light of the fact that Village Kadipur, in which the subject land of the Petitioners is stated to be located, has been urbanised. Pending application also stands disposed of.

JYOTI SINGH, J

JULY 31, 2024/jg