



2024 : DHC : 4073



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 6737/2024 & CM APPL. 28111/2024****CHAMAN SINGH AND ORS.**

..... Petitioners

Through: Mr. Rahul Chaudhary, Adv. (Through
VC)

M: 9999855579

versus

DDA AND ANR.

..... Respondents

Through: Ms. Prabhsahay Kaur, SC with Mr.
Bir Inder Singh Gurm, Adv. for R-1.

M: 9711778471

Email: sahayk@gmail.com

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Date of Decision: 14th May, 2024**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****J U D G M E N T****MINI PUSHKARNA, J: (ORAL)****CM APPL. 28111/2024 (For Exemption)**

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

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3. The present petition has been filed seeking stay of the demolition proceedings being carried out by the respondent no.1-Delhi Development Authority ("DDA") in Village Chak Chilla. There is a further prayer for directions to demarcate the area of Village Chak Chilla, which, according to the petitioners, is the private land of the residents of Village Chak Chilla.
4. Per Contra, learned counsel appearing for the respondent no.1-DDA,

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has handed over a copy of the Demarcation Plan of Village Chak Chilla and submits that land of Village Chak Chilla, already stands demarcated by the Sub-Divisional Magistrate (“SDM”) on 24th March, 2022. The Demarcation Plan, as handed over by learned counsel appearing for the respondent no.1-DDA, is taken on record.

5. Learned counsel appearing for the DDA submits that land admeasuring 1779 bigha and 1 biswa of Village Chak Chilla, was acquired in the year 1992 by Award No. 22/1992-93.

6. She further submits that out of the aforesaid land, 506 bigha of land was de-notified on 25th January, 1995, which is private land. She submits that area of land measuring 1272 bigha 3 biswas was handed over to the DDA on 31st October, 1997, and from then onwards, the possession of the aforesaid land has been with the DDA.

7. She further submits that the aforesaid area which is in possession of the DDA comprises of land of Yamuna Flood Plain, wherein no construction can be allowed to exist. She submits that a Biodiversity Park is being developed by the DDA on the said area. She further submits that all construction, which is in the nature of encroachment, has already been removed from the area under the possession and ownership of the DDA.

8. It is further submitted that as far as 506 bigha of land situated in Village Chak Chilla, which is a private land, no action is being taken by the DDA currently.

9. Learned counsel appearing for the respondent-DDA further submits that the present petition has been filed with respect to the whole of Village Chak Chilla, without mentioning any Khasra numbers. Thus, she submits that the present petition is totally vague as regards the identification of the

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area and the Khasra numbers, which are allegedly in occupation of the petitioners.

10. Having heard learned counsel for the parties, this Court notes that the only prayer made in the present petition, is with respect to issuance of directions to respondents to not take any action of demolition against the construction existing in the land of the residents of Village Chak Chilla, which is claimed to be their private land. As regards the said prayer, the submission made in the petition, is as follows:

“xxx xxx xxx

2. That by way of this writ petition, the Petitioners are seeking stay on illegal demolition proceedings carried out in village Chak chilla by the respondent and demarcate the land of village Chak chilla (sic).

3. That village Chak Chilla situated in Delhi has never been urbanised and the land of the village has not been demarcated by the Respondent.

4. That Respondent no. 1 recently carried out their illegal acts to demolish the personal land of the residents of Village Chak Chilla and now declaring those lands as DDA's Land.

xxx xxx xxx”

11. This Court notes the submission made by learned counsel appearing for the DDA that the land admeasuring 1272 bigha and 3 biswas, which is under the possession and ownership of the DDA, has been developed as a Biodiversity Park. Further, no encroachment is existing on the land under the possession of the DDA, as all encroachment has already been removed. Further, in case any fresh encroachment or construction is found on the land under the jurisdiction of the DDA, immediate action is taken by the DDA to remove the same.

12. This Court also takes note of the submission made by learned counsel



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appearing for the DDA that no action is being taken by the DDA on the 506 bigha of private land, as of now.

13. It is also to be noted that the prayer of the petitioners regarding carrying out demarcation of Village Chak Chilla, does not survive. This Court has already perused the Demarcation Plan dated 24th March, 2022, as handed over by learned counsel for DDA, wherein demarcation of Village Chak Chilla has been duly undertaken by Total Station Method, as mentioned in the Demarcation Plan itself.

14. Accordingly, no directions are required to be passed in the present petition. Therefore, in view of the aforesaid discussion, the present petition is disposed of.

MINI PUSHKARNA, J

MAY 14, 2024/kr