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

Date of Decision: 27.05.2024

+ W.P.(C) 9497/2023 & CM APPL. 31887/2024

JEEVAN KAMAL SEWA TRUST & ANR. Petitioners

Through: Mr. Vedpal Rana with Mr. Kunal
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versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through: Mr. Kunal Lakra, Advocate.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL)

CM APPL. 31887/2024

1. The present application has been filed on behalf of the petitioners seeking directions to the Delhi Development Authority ("DDA") to inspect the subject land, and identify the boundaries as per the Demarcation Report dated 21st January, 2000, and take over the possession of the said land measuring 1250 sq yds. from the petitioners.
2. Learned counsel appearing for the petitioners submits that the petitioners have already started removing the building material from the site in question, and will hand over the land to the DDA within a period of three weeks.
3. This Court notes that the present petition has been filed with the following prayers:-



“a) Issue an appropriate writ, order or direction thereby quashing and setting aside the impugned order dated 11.07.2023 passed by the Respondent;

b) Issue an appropriate writ, order or direction thereby directing the Respondents to consider the request of the Petitioner Trust of providing alternate land in lieu of the subject land;

c) Issue an appropriate writ, order or direction thereby directing the Respondents to consider the request of the Petitioner No. 1 Trust of allowing the Petitioner No. 1 Trust to pay the amount equivalent to the cost of the concerned land i.e. 1250 sq. yds. situated at Village Palam, Sector-7, Dwarka, New Delhi, in terms of the order of the Competitive Authority dated 23.07.2007.

d) Issue an appropriate writ, order or direction thereby directing the Respondents to carry out specific and scientific demarcation of the subject land or permit the Petitioner No. 1 Trust to carry out the demarcation at its own cost and expense so as to identify where the subject land of 1250 sq. yds. is situated, and thereafter handover possession of the subject land by the Petitioner No. 2 Trust itself; and

xxx xxx xxx”

4. Learned counsel appearing for the petitioners submits that the petitioners are pressing only prayer “d” and has instructions not to press prayers “a to c”.

5. In view of the statement made by learned counsel appearing for the petitioners, the only prayer that remains in the present petition, is with respect to directions to the respondents to carry out specific demarcation of the subject land, or to permit the petitioner no. 1-Trust to carry out the demarcation at its own cost and expense, as to identify the subject land of total 1250 sq. yds.

6. Along with the present application, order dated 16th August, 1999 has been filed, as passed in CW No. 6484/1998. Learned counsel for the petitioners submits that demarcation of the area was carried out pursuant to this order, and has also placed the Demarcation Report dated 21st January,



2000, on record. He, thus, submits that the petitioners are willing to hand over the land of the DDA, which currently is in possession of the petitioners, in terms of the Demarcation Plan attached with the Demarcation Report dated 21st January, 2000.

7. It is noted that by order dated 16th August, 1999 passed in CW No. 6484/1998, the following directions had been issued:-

“It is the contention of the respondent/DDA that the petitioner has encroached upon the khasra numbers 28/6/2 Min. of village Palam and Khasra Nos. 11/13/1 Min and 11/13/2 Min of village Tokanpur. Delhi and the school building on these khasra numbers is to be demolished.

The S.D.M., Tehsil Mehrauli is directed to carry out the demarcation in respect of khasra No. 28/6/2 Min. of village Palam and Khasra Nos. 11/13/1 Min and 11/13/2 Min of village Tokanpur within a period of four weeks from the date of communication of this order.

The SDM shall be assisted by the concerned revenue officials of the area for carrying out the demarcation. Notices shall be issued to the parties/counsel in whose presence the demarcation proceedings shall be taken. The parties are at liberty to place relevant documents before the SDM to assist in carrying out the demarcation.

After the completion of the demarcation proceedings copy of the site plan alongwith the report shall be filed in the court by the concerned SDM.

A copy of the order be sent to the SDM, Tehsil Mehrauli. DASTI.

List on 27th September, 1999.”

8. Perusal of the aforesaid order shows that SDM, Mehrauli had been directed to carry out the demarcation in respect of Khasra no. 28/6/2 Min of Village Palam and Khasra no. 11/13/1 Min and 11/13/2 Min of Village Tokanpur, Delhi. This Court also takes note of the fact that a Demarcation Report dated 21st January, 2000 has been placed on record by learned counsel for the petitioners.

9. Further, this Court also takes note of the submission made by learned



counsel appearing for the petitioners that the petitioners shall hand over the possession of the land belonging to DDA, in terms of the Demarcation Plan, which is attached along with Demarcation Report dated 21st January, 2000.

10. Learned counsel for the petitioners further submits that the aforesaid action shall be taken by the petitioners within a period of three weeks.

11. The aforesaid statement of the petitioners is taken on record and the petitioners are held bound by the same.

12. Accordingly, it is directed that the DDA shall take possession of its land after a period of three weeks, when the goods and building material have been removed by the petitioners, from the subject land.

13. Considering the aforesaid, it is directed that the petitioners shall do the needful and remove the building material and goods from the land measuring 1250 sq. yds. situated in Khasra no. 28/6/2 Min of Village Palam and Khasra no. 11/13/1 Min and 11/13/2 Min of Village Tokanpur, Delhi.

14. Learned counsel appearing for the petitioners submits that in view of the aforesaid, no further orders are required to be passed in the present petition.

15. Accordingly, the present petition is disposed of, along with the pending applications.

16. The next date of hearing of 04th September, 2024, stands cancelled.

MINI PUSHKARNA, J

MAY 27, 2024/c