



2024:DHC:4174



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

% Judgment delivered on: 20.05.2024

+ W.P.(C) 7018/2024

RAMPHAL & ORS.

..... Petitioners

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Vinayak Bhandari, Mr. Ankit Singh
and Mr. Jaisal Singh, Advocates.

For the Respondent : Mr. Rishikesh Kumar, ASC with Ms.
Sheenu Priya, Mr. Atik Gill and Mr.
Sudhir Kumar Shukla, Advocates for
R-1, R-2 & R-3.
Mr. Harshit Chopta, Advocate for R-
4/MCD along with Mr. K.K. Yadav,
AE, Maintenance Deptt., Najafgarh
Zone, MCD
Ms. Sangeeta Bharti, Standing Counsel
with Ms. Malni Bahgav, Advocate for
R-5/DJB

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 30306/2024**

1. This is an application filed under Section 151 CPC, 1908 on



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behalf of the applicant/petitioner seeking prayer/direction restraining the respondents from carrying out any construction of a road or otherwise on, what they claim, private land belonging to the petitioners in Khasra No.27/21/2/1 to 27/21/2/13.

2. At the outset, Mr. Harshit Chopra, learned counsel appearing for respondent no.4/MCD hands-over the bench, a status report brought out in advance whereby the Executive Engineer has categorically stated that the respondent/MCD is not carrying out any construction work on the alleged Phirni Road. He further explains that the said Phirni Road was inspected by the officials of answering respondent on 18.05.2024 and after the local inquiry it was revealed that the Delhi Jal Board/respondent no.5 is laying down sewer line over the said property. He also states that no particular permission has been sought from the MCD for such work. Photographs showing the road already dug up and covered have also been annexed to the present status report. The same is taken on record.

3. This Court is satisfied with the contents of the present status report stating that no construction of a road is being carried out by the MCD on the Phirni Road.

4. So far as the issue of Jal Board laying down the sewer line is concerned, Ms. Bharti, learned Standing Counsel appearing on behalf of the Jal Board invites attention of this Court to the order dated 03.03.2023 passed by this Court in W.P.(C)11909/2022 captioned as ***Dilip and Another vs. GNCT of Delhi and Others*** whereby the orders passed by the SDM Kapashera dated 04.08.2022 and 05.08.2022 were quashed and set aside on the ground that the petitioner therein were not



given an opportunity of hearing before such orders were passed.

5. It is stated by Mr. Rishikesh Kumar, learned counsel for the SDM that the objections of the petitioner are pending before the SDM for disposal in accordance with the order dated 03.03.2023.

6. In view of the fact that the dispute as to whether the petitioners have rights over the Phirni land, on the ground that it falls within the Khasra No.27/21/2/1 to 27/21/2/18, is yet to be decided by the SDM, it would be appropriate to pass certain directions to the respondent no.3 so as to resolve the present *lis*.

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7. In that view of the matter with the consent of the learned counsel for petitioner, this Court disposes of the present writ petition with a direction to the respondent no.3 to pass orders in compliance of the order dated 03.03.2023 of this Court in ***Dilip Singh*** (*supra*) within a period of four weeks from today.

8. This Court has also observed that despite order dated 03.03.2023 specifying an outer limit of six months for the said disposal, the respondent no.3 appears to not have completed the process in all earnest. It is made clear that since there is an apparent delay in the disposal of the said objections despite the order dated 03.03.2023, no further extension of time shall at all be granted whatsoever. Timelines are strictly to be adhered to.

9. The petition is disposed of with aforesaid direction with no order as to costs. The next date i.e.05.09.2024 stands cancelled.

TUSHAR RAO GEDELA, J.

MAY 20, 2024/ns