



\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Judgment reserved on: 12.03.2024
Judgment pronounced on: 15.03.2024

+

W.P.(C) 10446/2022**SH. ANIL KUMAR**

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ANR.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA

+

W.P.(C) 10550/2022**ANAND KUMAR JAIN**

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ANR.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA

+

W.P.(C) 10560/2022

**SHRI CHARAN SINGH (SINCE DECEASED) THROUGH HIS
LRs SHRI INBERPAL SINGH**

..... Petitioner

*W.P.(C) 10446/2022 & Connected matters**Page 1 of 19 pages*

Signature Not Verified

Digitally Signed
By: VAIISHALI CHAUHAN
Signing Date: 15.03.2024
16:18:52

GIRISH

KATHPALIA

Digitally signed by GIRISH
KATHPALIA
Date: 2024.03.15 14:29:02 +05'30'



Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ANR.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA

+ **W.P.(C) 10525/2022**
SH MANGAL SINGH

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ANR.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA

+ **W.P.(C) 11185/2022 & CM APPL. 32878/2022**
SH BHUPENDER SINGH & ANR.

..... Petitioners

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

W.P.(C) 10446/2022 & Connected matters



DELHI DEVELOPMENT AUTHORITY & ORS.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna Singh, Advocates for DDA
Mr. Tanveer Ahmed Ansari, Senior Panel Counsel for UOI

+ **W.P.(C) 11186/2022 & CM APPL. 32880/2022**
SH JITENDER SINGH (SINCE DECEASED) THROUGH HIS LRs
SMT INDERJEET KAUR

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with Mr. MPS Kasana, Mr. Gitesh Chopra, Ms. Harshita Gulati, Mrs. Manisha Saroha, Mr Navish Bhati, Mr. Nikhil Beniwal, and Mr. Vikram Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna Singh, Advocates for DDA
Mr. Manoj Kumar Tyagi, Senior Panel Counsel with Mr. Mimansak Bhardwaj and Mr Shekhar Tyagi, Govt. Pleader for UOI/R3

+ **W.P.(C) 11193/2022 & CM APPL. 32893/2022**
SH HARBHAJAN SINGH

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with Mr. MPS Kasana, Mr. Gitesh Chopra, Ms. Harshita Gulati, Mrs. Manisha Saroha, Mr Navish Bhati, Mr. Nikhil Beniwal, and Mr. Vikram Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna

W.P.(C) 10446/2022 & Connected matters

Page 3 of 19 pages



Singh, Advocates for DDA
Mr. Rajesh Kumar Senior panel
counsel with Ms. Mishika Pandita for
respondent/UOI

+ **W.P.(C) 11230/2022 & CM APPL. 32992/2022**
SMT VANDANA SETHI (THROUGH HER ATTORNEY
HOLDER) SHRI NARENDER SINGH Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA
Mr. Virendra Pratap Singh and Ms.
Shubhra Parashar, Advocates for UOI

+ **W.P.(C) 11234/2022 & CM APPL. 32998/2022**
SH. ASHOK KUMAR Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA
Ms. Uma Prasuna Bachu, Senior
Panel Counsel for UOI



+ **W.P.(C) 11238/2022 & CM APPL. 33001/2022**
SH S K GUPTA THROUGH HIS ATTORNEY HOLDER MOHD
MUDASSIR Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY THROUGH ITS VICE
CHAIRMAN AND ORS. Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA
Mr Gaurav Sharma, Adv for UOI

+ **W.P.(C) 11247/2022 & CM APPL. 33024/2022**
SH. KABUL SINGH SINCE DECEASED THROUGH HIS LR.
SINGH RAM Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA

+ **W.P.(C) 11253/2022 & CM APPL. 33037/2022**
SH DHEERAJ BANSAL THROUGH HIS ATTORNEY HOLDER
SHRI RAJ SINGH Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.



Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA
Mr. Tanveer Ahmed Ansari, Senior
Panel Counsel for UOI

+

W.P.(C) 12433/2022 & CM APPL. 37380/2022

KHANNA ASSOCIATES PRIVATE LIMITED THROUGH ITS
DIRECTOR SHRI ISH KHANNA Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA
Mr. Avnish Singh, Senior Panel
Counsel along with Mr. Vishal
Kumar Yadav, Mr. Mahendra Vikram
Singh and Ms. Kanchan Kumar,
Advocates for UOI

+

W.P.(C) 11378/2022 & CM APPL. 33489/2022

SH SANTOSH Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates



versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Ms. Kritika Gupta and Ms. Kamna Singh, Advocates for DDA

+ **W.P.(C) 11379/2022 & CM APPL. 33492/2022**

SH VIJAY BALUJA

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with Mr. MPS Kasana, Mr. Gitesh Chopra, Ms. Harshita Gulati, Mrs. Manisha Saroha, Mr Navish Bhati, Mr. Nikhil Beniwal, and Mr. Vikram Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Ms. Kritika Gupta and Ms. Kamna Singh, Advocates for DDA

+ **W.P.(C) 11389/2022 & CM APPL. 33513/2022**

M/S HARA SINGH AND CO. THROUGH ITS PROPRIETOR SMT RANJIT KAUR

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with Mr. MPS Kasana, Mr. Gitesh Chopra, Ms. Harshita Gulati, Mrs. Manisha Saroha, Mr Navish Bhati, Mr. Nikhil Beniwal, and Mr. Vikram Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Ms. Kritika Gupta and Ms. Kamna Singh, Advocates for DDA
Mr Syed Abdul Haseeb, Senior Panel Counsel for UOI

W.P.(C) 10446/2022 & Connected matters

Page 7 of 19 pages



+ **W.P.(C) 11420/2022 & CM APPL. 33681/2022**
SH HARLAL SAINI THROUGH HIS LRS SH SURENDER
KUMAR SAINI Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents
Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA

+ **W.P.(C) 11429/2022 & CM APPL. 33720/2022**
SMT LEELAWATI Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS.
..... Respondent
Through: Ms. Kritika Gupta and Ms. Kamna
Singh, Advocates for DDA

+ **W.P.(C) 11457/2022 & CM APPL. 33816/2022**
M/S KHANNA ASSOCIATES PVT LTD THROUGH ITS
DIRECTOR SHRI ISH KHANNA Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. MPS Kasana, Mr. Gitesh
Chopra, Ms. Harshita Gulati, Mrs.
Manisha Saroha, Mr Navish Bhati,
Mr. Nikhil Beniwal, and Mr. Vikram
Singh Dalal, Advocates



versus

DELHI DEVELOPMENT AUTHORITY & ORS.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna Singh, Advocates for DDA
Mr. Avnish Singh, Senior Panel Counsel along with Mr. Vishal Kumar Yadav, Mr. Mahendra Vikram Singh and Ms. Kanchan Kumar, Advocates for UOI

+ **W.P.(C) 11462/2022 & CM APPL. 33827/2022**

SH RAMNIK SINGH

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with Mr. MPS Kasana, Mr. Gitesh Chopra, Ms. Harshita Gulati, Mrs. Manisha Saroha, Mr Navish Bhati, Mr. Nikhil Beniwal, and Mr. Vikram Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS.

..... Respondents

Through: Ms. Kritika Gupta and Ms. Kamna Singh, Advocates for DDA
Mr. Jatin Singh, Senior Panel Counsel for UOI

+ **W.P.(C) 13633/2022 & CM APPL. 41547/2022**

SH NEERAJ MEHROTRA & ANR.

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with Mr. MPS Kasana, Mr. Gitesh Chopra, Ms. Harshita Gulati, Mrs. Manisha Saroha, Mr Navish Bhati, Mr. Nikhil Beniwal, and Mr. Vikram Singh Dalal, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondent

W.P.(C) 10446/2022 & Connected matters

Page 9 of 19 pages

Signature Not Verified

Digitally Signed
By: VAIISHALI CHAUHAN
Signing Date: 15.03.2024
16:18:52

GIRISH
KATHPALIA

Digitally signed by GIRISH
KATHPALIA
Date: 2024.03.15 14:27:06 +05'30'



Through: Ms. Kritika Gupta and Ms. Kamna Singh, Advocates for DDA
Mr. H.K. Garg, Sr. Panel Counsel and
Mr. Mimansak Bhardwaj, Govt pleader for UOI

CORAM:

JUSTICE GIRISH KATHPALIA

GIRISH KATHPALIA, J.:

1. These writ petitions based on same legal and factual matrix are taken up together. Except the writ petition WP(C) 12433/2022 titled '*M/s Khanna Associates Pvt. Ltd. vs Delhi Development Authority & Ors*', the remaining writ petitions were filed to assail the orders dated 30.05.2019 of the Estate Officer under Sections 5 & 7 of the Public Premises (Eviction of Unauthorized Occupants) Act and orders dated 08.09.2021 of the learned Principal District & Sessions Judge, Rohini Courts, Delhi in appeals under Section 9 of the Act, the said impugned orders being almost copy paste in view of same legal and factual matrix. The writ petition WP(C) 12433/2022 was filed to assail demolition order and letter dated 23.08.2022 of the respondent DDA issued in furtherance of orders under Section 5 of the Act. I heard learned counsel for both sides.

2. Briefly stated, circumstances relevant for present purposes, as extracted from pleadings and records are as follows.

2.1 The petitioners are occupants of different premises constructed on different portions of land bearing Khasra No. 407 min in the Revenue Estate of Village Malikpur Chhawani on GT Karnal Road, Delhi (hereinafter

W.P.(C) 10446/2022 & Connected matters

Page 10 of 19 pages



referred to as “the subject premises”). According to the petitioners, they were inducted in the subject premises on lease by the erstwhile recorded owner Shri Raja Ram prior to the year 1960 and they were regularly paying him rent for their respective portions. Further, according to the petitioners, the subject premises are covered under in situ Regularization Policies of the Industries in the area and the subject premises are enlisted at No. 1 in the list of areas prepared to regularization by the Government in the year 1999. Also according to the petitioners, under the directions of the Supreme Court to the Commissioner of Industries, the area was physically surveyed by the Delhi Government through Committee which submitted a detailed report to the effect that 15 industrial areas were found to have more than 70% industrial concentration for inclusion under the Industrial Area Redevelopment Scheme and these units need not be relocated to the new areas being developed under the Relocation Scheme. After change in title of the subject premises claimed by the respondent DDA, the petitioners started paying lease amount, time to time, which was accepted against receipts by DDA as damages.

2.2 According to petitioners, in the month of April 2006, notices under Section 4 of the Public Premises Act were issued, calling upon them to show cause as to why eviction orders be not passed against them; and in furtherance thereof, ex-parte eviction orders dated 17.07.2006 were passed by the respondent no. 2, which ex-parte orders on being challenged in appeals under Section 9 of the Act were set aside vide judgments dated 08.12.2006, remanding the matters to the Estate Officer for recording evidence. The said proceedings, remanded before the Estate Officer



culminated in the impugned order dated 30.05.2019, thereby rejecting the plea of the petitioners. The said order dated 30.05.2019 of the Estate Officer on being challenged in appeal under Section 9 of the Act was partly upheld (*to the extent of eviction of the petitioners*) by way of the impugned order dated 08.09.2021 of the learned Principal District & Sessions Judge, North, Rohini, Delhi.

2.3 Thence, the petitioners filed the present writ petitions [except WP(C) 12433/2022], assailing the orders dated 30.05.2019 and 08.09.2021 of the Estate Officer and the learned Principal District & Sessions Judge respectively.

2.4 During pendency of those writ petitions, the respondents passed demolition order dated 02.08.2022 and letter dated 23.08.2022 directing the local police to provide force for demolition/eviction of the subject premises. That led to filing of WP(C) 12433/2022.

2.5 In the meanwhile, on 24.03.2023 in the course of hearing of these writ petitions, the predecessor bench was informed by learned counsel for DDA that a non-government organization also had filed one Public Interest Litigation pertaining to the removal of illegal encroachments on the government land including Khasra No. 407 of Village Malik Pur Chhawani, GT Karnal Road, Delhi where the subject premises are situated and the said Public Interest Litigation titled *Paardarshita Public Welfare Foundation (NGO) vs DDA*, WP(C) 4229/2022 is pending before the Division Bench-I of this court.



3. During arguments, learned senior counsel on behalf of petitioners confined the challenge in these writ petitions to the question as to whether the payments being received by DDA from the petitioners was license fee or damages, which would have bearing on status of the petitioners as lawful occupants or unauthorized occupants of the subject premises. On the other hand, learned counsel for respondents addressed elaborately dealing also with remaining contentions of the writ petitions. For the sake of convenience, relevant portion of order dated 12.03.2024 is extracted below:

“2. Final arguments heard. For the sake of convenience it is recorded that according to both sides, all these writ petitions bear same factual and legal matrix, so have to be taken up together; that learned senior counsel appearing on behalf of petitioners today argued only to the extent that the respondent/DDA is not certain as to whether the money paid by the petitioners was towards license fee or damages, therefore, the petitioners have to be treated as licensees and cannot be evicted through Public Premises (Eviction of Unauthorised Occupants) Act; that learned counsel for respondent/DDA referred to certain documents on record to show that the amount allegedly paid by petitioners was only damages and not license fee, so the petitioners being unauthorized occupants fall within the domain of Public Premises (Eviction of Unauthorised Occupants) Act.

3. Final arguments concluded.

4. Judgment reserved”.

During arguments, learned senior counsel on behalf of petitioners placed heavy reliance on the judgment of a coordinate bench this court in the case titled ***Sudhir Goel vs MCD***, AIR 2005 Delhi 7 and read extensively from the same in order to explain the distinction between the applicability of the Delhi Rent Control Act and the Public Premises Act in the light of distinctive character of a tenant and an unauthorized occupant. On the said legal issue, there is no dispute. But the issue involved in the present cases is quite different, as discussed hereafter.

W.P.(C) 10446/2022 & Connected matters

Page 13 of 19 pages



4. Thus, basic contention advanced on behalf of petitioners is that since DDA continued to accept license fee paid by them, their status being of licensee, they cannot be evicted taking resort to the proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act. According to the petitioners, they can be evicted from the subject premises only through suit which should be filed before the Civil Court. On the other hand, the respondent DDA is emphatic that what was being paid by the petitioners was damages on account of unauthorized occupation and not license fee, so the proceedings for eviction of petitioners would be sustainable under the Public Premises (Eviction of Unauthorized Occupants) Act.

5. On this aspect, it would be significant to briefly traverse through the material on judicial record.

6. As mentioned above, the first judicial scrutiny of the ex-parte orders passed by the Estate Officer was by the learned Additional District Judge vide judgment dated 08.12.2006 in appeals of the petitioners under Section 9 of the Act. In the said judgment dated 08.12.2006, the appellate authority after scrutiny of records held that some of the appellants (*petitioners herein*) had filed affidavits testifying that they were ready to pay damages as well as arrears, if any of the previous encroachers and they would vacate the subject premises as and when required by the DDA for any development scheme; that the respondents continued accepting damages from the petitioners; that from material on record of the Estate Officer, it was evident that the appellants (*petitioners herein*) were encroachers on DDA land; and that

W.P.(C) 10446/2022 & Connected matters

Page 14 of 19 pages



there was no force in the contentions of the present petitioners that they were wrongly proceeded ex-parte or that the orders of the Estate Officer suffered the vice of non-application of mind. The only ground on which the appellate authority set aside the impugned order was on the issue of regularization scheme of the respondents. The appellate authority in the operative part of judgment dated 08.12.2006 held thus:

“The matter is remanded back to the Estate Officer, to enable to appellants to make submissions/lead evidence with respect to their claim that there case/s is/are covered by Govt.’s Regularization Scheme. Both the parties shall appear before the Estate Officer on 03.01.2007 at 02:30 pm.....

The appellants shall make the submissions/lead evidence before the Estate Officer with regard to their claim for regularization, on the date fixed. The respondent meanwhile shall examine and submit before the Estate Officer whether the appellants are eligible for regularization as per law. The Estate Officer after considering the submissions made by both the parties, shall endeavor to dispose of the matter within two months”.

7. The present petitioners having opted not to challenge the judgment dated 08.12.2006 of the appellate authority, the dispute gets narrowed down to the issue of regularization scheme of DDA, if any.

8. The remanded proceedings which were to be concluded by the Estate Officer by February 2007 continued and culminated vide impugned order dated 30.05.2019.

9. In the impugned order dated 30.05.2019, the Estate Officer brought on record as many as 46 dates of hearing during the period from 03.01.2007 to 28.11.2011 when the matters were taken up in the said remanded proceedings and observed that the petitioners did not file any affidavit or



documents to establish their claim qua regularization of the land in their favour and on the other hand the DDA through its Halka Patwari filed status report dated 03.01.2011; that thereafter on 28.11.2011, attorney of some of the petitioners filed specific affidavits of the petitioners testifying that they are ready to pay damages and arrears of damages and would vacate the subject premises as and when required by DDA in any scheme; that the land in question was acquired vide award No. 1525 and placed at the disposal of DDA vide notification dated 30.08.1963 and the same is required for planned development of Delhi; that the land in question is earmarked for Facility Centre No. 2 in the Zonal Development Plan of Zone C of the Master Plan of Delhi-2001; and that a plan for the said proposed Facility Centre at the land in question has already been approved by the Technical Team of DDA in its meeting dated 25.09.1989. In the said impugned order dated 30.05.2019, the Estate Officer also recorded that DDA has taken a categorical stand qua no proposal for regularization of the existing industrial activities and the land in question is not enlisted in the list of Redevelopment of Unplanned Industrial Area as mentioned in para 7.6.2 of MPD-2021 which are incorporated as per the notification of Government of NCT of Delhi regarding non-conforming clusters of industrial concentrations having more than 70% plot and since the present petitioners had not been able to contradict that situation, and rather they had admitted being in unauthorized occupation, they were liable to be evicted. Accordingly, the Estate Officer passed the impugned order dated 30.05.2019 for eviction of the present petitioners and also for payment of damages by them as quantified in the said order.



10. The said order dated 30.05.2019 of the Estate Officer was again assailed by way of appeal under Section 9 of the Act which culminated into the impugned order dated 08.09.2021 of the Principal District & Sessions Judge, North, Rohini, Delhi.

11. In the impugned order dated 08.09.2021, the appellate authority after traversing through the previous record and contentions held that according to the records of the Estate Officer, several opportunities were afforded to the present petitioners to lead evidence and to file documents in support of their claim that the respondent DDA had regularized the land in question, but no such material was produced by the present petitioners and even during the hearings before the appellate authority, counsel for the present petitioners did not explain as to why no evidence was led by them in the course of proceedings remanded before the Estate Officer, though the Estate Officer was more than lenient towards them by keeping the proceedings pending from the year 2007 to 2019 despite specific directions of the learned Additional District Judge to dispose of the same within two months. The appellate authority upheld the impugned order to the extent of directing eviction of the present petitioners from the subject premises, but as regards the damages, the matter was remanded to the Estate Officer in order to explain the basis on which the damages were computed.

12. Thus, despite unduly enlarged period of time spanning over from the year 2007 to 2019 the present petitioners brought not even a shred of document on record in support of their contention of regularization of their occupation in the subject premises. On this aspect, no arguments at all were



advanced on behalf of the petitioners in order to assail the impugned orders. That being so, both orders impugned in these writ actions deserve to be upheld.

13. Further, in the counter affidavit filed by DDA in the present proceedings, it has been specifically testified (*pdf 285*) that as per MPD-2021, there is no proposal for in situ regularization of the existing industrial activities at 1, GT Karnal Road, Delhi. Nothing contrary has been brought on record by the present petitioners. Annexed with the said counter affidavit is the detailed Re-Development Plan (*pdf 289*), according to which the land in question has been earmarked for Facility Centre.

14. Not only this, the present petitioners have not brought on record even a shred of document in support of their contention that they were inducted as lessee or licensee in the subject premises by Raja Ram in the year 1960. Neither any lease deed nor license deed nor any other document executed by Raja Ram has been filed by the present petitioners. Even the precise date, month or year of the present petitioners having been inducted into the subject premises have not been disclosed. Rather, Raja Ram appears to be only a fictitious name. And admittedly it is nobody's case that the present petitioners are licensees inducted by the DDA.

15. The record is replete with documents unambiguously showing that the money being paid by the present petitioners to the DDA is damages and not rent or license fee.



2024 : DHC : 2084



16. As regards the undertakings on affidavits of some of the petitioners to vacate the subject premises as and when called upon by the DDA, there is not even a whisper that the same were obtained under any duress.

17. In view of the aforesaid, I am unable to find any infirmity in either of the impugned orders dated 30.05.2019 and 08.09.2021 as well as in the demolition order dated 02.08.2022 and letter dated 23.08.2022, so the same are upheld. Consequently, all these writ petitions are dismissed.

**GIRISH
KATHPALIA**

Digitally signed by
GIRISH KATHPALIA
Date: 2024.03.15
14:17:41 +05'30'

**GIRISH KATHPALIA
(JUDGE)**

MARCH 15, 2024/as