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

+ **W.P.(C) 7496/2024**

D.N. PUBLICATIONS

..... Petitioner

Through: Ms. Rajeshwari H., Ms Garima Joshi
and Mr. Ravi Chandra, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD

..... Respondent

Through: Mr. Parvinder Chauhan and Ms.
Aakriti Garg, Advocates.

+ **W.P.(C) 7499/2024**

D.N. PUBLICATIONS

..... Petitioner

Through: Ms. Rajeshwari H., Ms Garima Joshi
and Mr. Ravi Chandra, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD

..... Respondent

Through: Mr. Parvinder Chauhan and Ms.
Aakriti Garg, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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22.05.2024

CM APPL. 31230/2024 (Exemption) in W.P.(C) 7496/2024

CM APPL. 31235/2024 (Exemption) in W.P.(C) 7499/2024

Allowed, subject to all just exceptions.

W.P.(C) 7496/2024 & CM APPL. 31229/2024

W.P.(C) 7499/2024 & CM APPL. 31234/2024



1. W.P.(C) 7496/2024 has been filed with the following prayers:

“(a) pass a writ of certiorari or any other writ, order or directions thereby setting aside/quash the order No. DD(RP)DUSIB/2024/D-528 dated 17.05.2024 issued by the respondent regarding taking over the physical possession of the parking site at Vacant Land near Sana tan Dharm Temple, Tilak Nagar, New Delhi.

(b) pass any other further order or direction which this Hon'ble Court deems fit and proper in favour of the petitioner and against the respondents in the peculiar facts and circumstances of the case.”

2. W.P.(C) 7499/2024 has been filed with the following prayers:

“(a) pass a writ of certiorari or any other writ, order or directions thereby setting aside/quash the order No. DD(RP)DUSIB/2024/D-527 dated 17.05.2024 issued by the respondent regarding taking over the physical possession of the parking site at vacant land at Cremation Ground, Tilak Nagar, New Delhi.

(b) pass any other further order or direction which this Hon 'ble Court deems fit and proper in favour of the petitioner and against the respondents in the peculiar facts and circumstances of the case.”

3. It is stated by the learned Counsel appearing for the Respondent/DUSIB that the DUSIB has already taken possession of the land.

4. In any event, the Order which is impugned herein can be challenged in an appeal before the Hon'ble Lieutenant Governor. This Court is of the opinion that after the Petitioner failed to obtain an injunction against the Order of cancelling the parking site, the DUSIB has taken possession. However, the question as to whether the possession has been taken by



DUSIB in accordance with law or not, can be raised before the Hon'ble Lieutenant Governor.

5. The writ petitions are disposed of granting liberty to the Petitioner to avail of the remedy as may be available to the Petitioner in accordance with law. Pending applications, if any, also stand disposed of.

6. It is made clear that this Court has not made any observations on the merits of the cases.

SUBRAMONIUM PRASAD, J

MAY 22, 2024

S. Zakir