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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10699/2023, CM APPL. 41468/2023 & CM APPL. 41469/2023

DR (MRS) PUSHPA LATA JAIN

..... Petitioner

Through: Mr. Abhay Dixit, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY THROUGH ITS VICE-CHAIRMAN & ORS.

..... Respondents

Through: Ms. Shobhana Takiar, Standing Counsel for DDA with Mr. Kuljeet Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

13.02.2024

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(The proceeding has been conducted through Hybrid Mode)

1. The present writ petition has been filed under Article 226 of the Constitution of India, 1950, *inter alia*, seeking the following reliefs :-

“(a) Issue an writ of Mandamus or any appropriate Writ or any other appropriate order(s)/direction(s) in favour of Petitioner and against Respondents no. 1 to 2 for deleting the entry of forest in Khatauni of Village Zindpur, North District, Delhi captioned as the alleged A.D.M (R) order no, SCO(BY/31/82- 83 dated 15.2.84 with respect to subject land admeasuring 38 bighas 04 biswas comprised in Khasra Nos. 30/17(4-16), 37/2(4-16), 37/8(4-16), 37/9(4-12), 37/10(1-16), 37/12(4-16) and 37/19(4-16) at village Zindpur, North District, Delhi;

(b) Issue an appropriate Writ or any other appropriate order(s)/direction(s) in favour of Petitioner and against the respondents no. 1 to 2, thereby restraining them, their heir agents, representatives etc. from dispossessing the Petitioner from the non-acquired part of the subject land from the unacquired part of the



subject land admeasuring 20 bighas 2 biswas comprised in Khasra nos. 30/17(4-16), 37/2(4-06), 37/8(4-16), 37/9(4-12) and 37/10(1-12) at village Zindpur, North District, Delhi;

(c) Issue an appropriate Writ or any other appropriate order(s)/direction(s) thereby directing the Delhi Development Authority and Forest Department to record the name of Petitioner in the land/revenue record for the un-acquired part of the subject land admeasuring 20 bighas 2 biswas comprised in Khasra nos. 30/17(4-16), 37/2(4-06), 37/8(4-16), 37/9(4-12) and 37/10(1-12) at village Zindpur, North District, Delhi;”

2. Learned counsel appearing for the petitioner seeks permission to withdraw the present petition with liberty to file an appropriate proceeding before the Civil Court of competent jurisdiction regarding the prayers raised in the present petition, without prejudice to his rights and contentions.
3. In view of the aforesaid submissions, the present petition along with pending applications is dismissed as withdrawn with liberty so sought, granted.
4. The rights and contentions of the parties are kept reserved.
5. The Civil Court may also consider the time spent by the petitioner in other proceedings including the present one for consideration of limitation.

TUSHAR RAO GEDELA, J

FEBRUARY 13, 2024/nd