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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7847/2024 & CM APPL. 32467/2024, CM APPL.
32468/2024

UMESH KUMAR

..... Petitioner

Through: Mr. Sushil Balwada, Advocate
(through VC)

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Mr. Kunal Lakra, Advocate for Mr.
Ashim Vachher, Advocate for DDA
with Mr. Rahul, Legal Assistant
Mr. Rishabh Srivastava, Advocate for
Mr. Santosh Kr. Tripathi, Standing
Counsel (Civil), GNCTD for R-3 and
R-4
SI Ashok, P.S. Anand Vihar

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Date of Decision: 28th May, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ: (ORAL)

1. Present writ petition has been filed under Article 226 of the Constitution of India, 1950 as a Public Interest Litigation ('PIL') seeking the demolition of alleged unauthorized construction on public land located at the Delhi-U.P. border. Additionally, the Petitioner prays for a departmental



inquiry against the officials of Respondent Nos. 1 and 2 for dereliction of duty as well as for permitting the alleged unauthorized construction despite the subsisting order dated 19th April, 2007 passed in W.P. (C) No. 3133/1999, whereby, the learned Single Judge has directed the maintenance of status quo and prohibited any precipitative action without prior permission from the Court.

2. The brief facts leading to the filing of this PIL are as follows:

2.1. A private builder carved out a colony in the Ghaziabad district, adjacent to the Delhi–UP border. A writ petition bearing number W.P.(C) No. 3133/1999 was filed alleging that the builder has encroached upon public land across Road No. 56 at the Delhi-U.P. border in the revenue village of Karkardooma, Delhi.

2.2. A Court Commissioner was appointed for demarcation, and a report was filed on 13th October, 2003. According to this report, the land across the said road comprising certain Khasra Nos. 843, 844/1, 844/2, 845/1, 845/2, 845/3, 846/1/1, 846/1/2/1, 846/1/2/2, 846/2, 846/3, 846/4, 847, 3016/848, 3017/848, 849/1, 849/2, 850/1, 850/2, 851, 850/2, 851, 852, 856/1 were declared to be part of revenue village Karkardooma, Delhi.

2.3. Thereafter, learned Single Judge vide order dated 19th April, 2007 in W.P(C) 3133/1999 passed an order directing the parties to maintain status quo and no precipitative action to be taken without the prior approval of the Court.

2.4. It is stated that despite the said order dated 19th April 2007 to maintain status quo, the Respondent No. 2-Ghaziabad Development Authority, sanctioned building plans for construction on plots involving the aforementioned public land in the year 2020.



2.5. In response to the action of Respondent No. 2 in sanctioning building plans, the Petitioner herein had earlier filed CONT.CAS. (C) No. 1802/2023 before this Court for violation of the order dated 19th April 2007. However, this petition was dismissed vide order dated 6th December, 2023 on the grounds that the Petitioner lacked locus standi and because Respondent No. 1 i.e., DDA had already filed CONT.CAS. (C) No. 1181/2022 on the same subject matter, which is pending before this Court.

2.6. Aggrieved by the order dated 6th December, 2023 in CONT.CAS. (C) No. 1802/2023, the Petitioner filed SLP (C) 13688/2024 before the Supreme Court. However, the Supreme Court vide order dated 16th May, 2024 declined to entertain the SLP filed by the Petitioner but granted liberty to the Petitioner to move an application for impleadment in the pending CONT.CAS. (C) No. 1181/2022 filed by DDA before the High Court, which would be considered in accordance with the law.

2.7. However, despite the liberty granted by the Supreme Court, the Petitioner, instead of filing an application for impleadment in CONT. CAS. (C) 1181/2022, has filed the present PIL seeking the demolition of the alleged unauthorized construction.

3. We have heard the learned counsel for the Petitioner and perused the record.

4. The order dated 06th December, 2023 passed by the learned Single Judge in CONT. CAS. (C) 1802/2023 records that the Petitioner herein has no locus standi to maintain the contempt proceedings. The said order was assailed in SLP (C) 13688/2024 and the Supreme Court has while upholding the dismissal of the contempt petition, however, granted liberty to the Petitioner herein to seek impleadment in the CONT.CAS(C) No. 1181/2022.



5. The Petitioner herein thereafter, filed a writ petition bearing number W.P.(C) 5983/2024 before the learned Single Judge for the same relief which has since been withdrawn vide order dated 17th May, 2024 with liberty to file the present PIL.

6. We are of the considered opinion that the issue raised in the present PIL has already been agitated by DDA which is the alleged land-owning agency in W.P.(C) 3133/1999 and in CONT.CAS(C) No. 1181/2022. The reliefs sought in the present PIL can be granted to Respondent No. 2-DDA in those proceedings and entertaining the present PIL would only lead to multiplicity of proceedings. Further, since Respondent No. 2-DDA is already taking steps to safeguard its interest in the subject land, we fail to see any reason for relaxing the principle of locus standi to entertain the present PIL at the behest of the Petitioner herein.

7. We are, therefore, not inclined to entertain the present PIL and the same is dismissed along with pending applications.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 28, 2024/hp/AKT