



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Judgment reserved on : 08 July 2024**
Judgment pronounced on: 28 August 2024
+ W.P.(C) 10311/2019
KANHAIYA LAL Petitioner
Through: Mr. Dinesh Choudhary, Adv.
versus

DELHI DEVELOPMENT AUTHORITY AND ORS.
..... Respondents
Through: Ms. Kritika Gupta, Adv. for R-
1/DDA.
Mr. Sriharsha Peechara,
Standing Counsel for the
NDMC
Ms. Harishita Gupta, Mr.
Akshat Kulshreshtha and Mr.
Shubham Kumar Mishra, Adv.
for SDMC.
Ms. Nidhi Raman, CGSC with
Mr. Zubin Singh, Adv. for R-
2,3,5/UOI.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

J U D G M E N T

1. The petitioner has preferred this petition under Article 226 of the Constitution of India seeking issuance of directions in the nature of *writ of prohibition* to restrain the respondent/Delhi Development Authority [“DDA”] from constructing a boundary wall on an open space adjoining his house bearing Plot No. A-124, Lajpat Nagar-IV, New Delhi, which is claimed to be a corner plot, so as to block door



and windows of his three-side open plot/the last house in a row of houses.

2. At the outset, the issue that arises before this court for a decision is: whether the proposed action of the respondent DDA to construct a wall and the apprehension of creation of third-party interests on the open strip of land adjoining Plot No. A-124, Lajpat Nagar-IV, New Delhi, which is envisaged to be used and allotted for residential purposes is in violation of the terms & conditions of the initial allotment and in violation of Zonal Development Plans.

FACTUAL BACKGROUND:

3. Briefly stated, it is admitted that the Ministry of Rehabilitation¹, which merged with the Ministry of Home Affairs, allotted the land to the petitioner's father, a migrant from Pakistan, under the Administration of Evacuee Property Act, 1950, and the Displaced Persons (Compensation and Rehabilitation) Act, 1954. Accordingly, *vide* an order dated 07.01.1958 of the Office of the Housing and Rent Officer cum Additional Settlement Commissioner, the father of the petitioner, namely Shri Sewa Ram was allotted two adjacent plots, House No. A-123 and A-124, in Block IV-A, Lajpat Nagar- IV, based on a regularized layout plan maintained by the Municipal Corporation of Delhi [“MCD”]. Evidently, the plan dated 3.01.1961 depicted the plot numbers in sequence viz., A-1 to A-150, B-1 to B-150, and so on, including roads, school land, open spaces, and parks, following prevailing rules and regulations. It is the case of the petitioner that at the time of allotment in 1958, the regularized layout plan of Lajpat

¹ MOR



Nagar-IV explicitly delineated which plots were two-side open, three-side open, or end houses. The government authorities permitted owners to select their plots in accordance with the allotment policy of the Ministry of Rehabilitation, which stipulated that three-side open plots or end houses were priced at Rs. 1440/-, while two-side open plots were priced at Rs. 1350/-, thereby including a premium of Rs 90 for the three-side open plots. Accordingly, the owners of plots A-123 and A-124 were allocated two adjacent plots of 100 square yards each: Plot A-123, being a two-side open plot, was settled at Rs 1350, whereas plot A-124, being a three-side open plot, the consideration of which was settled at Rs 1400. As per the petitioner, the said valuation was confirmed by the Department of L&DO, as per the valuation register, dated 03.09.1959.

4. It is further stated that the building plan for the ground floor of plots A-123 and A-124, based on the revised layout plan of Lajpat Nagar- IV, was sanctioned on 04.03.1959 by the Deputy Municipal Engineer, in accordance with the Building Bye-Laws of The Delhi Municipal Corporation Act, 1957², which as per the petitioner, also allowed doors, windows, and sunshades for ventilation on public land for three-side open plots under Section 29 of the BBL; and his father raised construction accordingly within six months. It is further the case of the petitioner that the first-floor plan, maintaining the same window design, was also sanctioned, and constructed in 1965, which easements have been in use for over 50 years.

² BBL



5. In the said backdrop, the petitioner asserts his easement rights over the open land adjacent to the north of his plot A-124, which includes three windows and an entry gate facing the northern open land, as per the site plan. The distinction between A-123, a two-side open plot, and A-124, a three-side open plot, is highlighted, with the latter having been granted an additional premium of Rs. 90/- for the three-side open designation. As per the petitioner, this premium entitles A-124 to have ingress, egress, and regress from the northern side, consistent with other similarly situated plots. The petitioners argue that the rights to this open land were established before the transfer of maintenance rights to the DDA in 1984 and are protected by the principles of estoppel and legitimate expectations under Section 115 of the Indian Evidence Act, 1872, and Articles 14, 19, 21, and 300-A of the Constitution of India. The petitioner asserts the right to access the property at A-124 from the north side, as specified in the lease deed's line plan provided by L&DO³, to ensure the plot remains a three-sided open plot, for which they paid an additional Rs. 90/-, unlike other two-sided open plots in the colony that were allotted for Rs. 1350/-. The DDA's order dated 02.04.2019 violates the zonal layout plan of Lajpat Nagar-IV, as available on the MCD website, and contravenes the term of the 1982 Land Package Deal. The petitioner requests that the DDA be directed not to interfere with the peaceful possession of the three-sided open plot A-124, which is part of the 1961 regularized layout plan, consistent with other similar properties

³ Land & Development Office



in the area where the government charged a total of Rs. 1440/-, including the additional premium for such plots.

6. The petitioner contends that the South Delhi Municipal Corporation [“SDMC”] and the DDA, both statutory bodies under the Delhi Municipal Corporation Act, 1957, and the Delhi Development Act, 1957, respectively, are "State" entities under Article 12 of the Constitution of India. The petitioner seeks to appeal to this Court that the administrative decision regarding the MOR deal for plot A-IV-124, Amar Colony, Lajpat Nagar IV, New Delhi, was biased and discriminatory.

7. The petitioner relies on the Supreme Court’s ruling in **Sethi Auto Service Station v. DDA**⁴, wherein on the scope of the principle of legitimate expectation, in public law, it was observed that:

“the golden thread running through all these decisions is that a case for applicability of the doctrine of legitimate expectation, now accepted in the subjective sense as part of our legal jurisprudence, arises when an administrative body by reason of a representation or by past practice or conduct aroused an expectation which it would be within its powers to fulfil unless some overriding public interest comes in the way. However, a person who bases his claim on the doctrine of legitimate expectation, in the first instance, has to satisfy that he has relied on the said representation and the denial of that expectation has worked to his detriment. The Court could interfere only if the decision taken by the authority was found to be arbitrary, unreasonable or in gross abuse of power or in violation of principles of natural justice and not taken in public interest. But a claim based on mere legitimate expectation without anything more cannot ipso facto give a right to invoke these principles.”

8. The petitioner argues that based on past practices, a safe passage of approximately 7 feet is typically provided for three-sided open plots adjacent to public land, as seen in properties like A-104, A-

⁴ (2009) 1 SCC 180



105, A-116, and A-117 in Lajpat Nagar IV. As the owner of A-124, who paid an additional premium for a three-sided open plot, the petitioner expect similar provisions. However, the DDA's decision to not provide this passage has caused detriment to the petitioner, potentially leading to the closure of existing doors and windows lawfully sanctioned by the MCD. The petitioner contends that this decision is arbitrary, unreasonable, and a violation of legitimate expectations and the principles of natural justice. Similar properties, such as A-52 and A-99, have been granted additional land or offers to protect their easement rights, reinforcing the equitable principle that adjoining land should be offered to owners of three-sided open plots. The petitioner asserts that these rights, peacefully enjoyed for over 50 years, have become absolute under Section 15 of The Easements Act, 1882.

9. The petitioner contends that the strip of land in question has been designated as open land in the zonal plan dated 03.01.1961, and it is well established by law that such land cannot be sold or utilized as an independent plot, as upheld in cases such as **Dr. G.N. Khajuria v. DDA**⁵ and **Friends Colony Residents Association v. Lt. Governor of Delhi**⁶. The land was originally allotted to the petitioner (plot no. A-123/124) by the L&DO, not by the DDA, through an order dated 07.01.1958, with specific provisions under the Delhi Building Byelaws, including the compulsory maintenance of a 10 ft. open space. The petitioner has exercised these easement rights for over 50

⁵ (1995) 5 SCC 762

⁶ (2004) 114 DLT 587



years without interruption. Additionally, the width of the road adjoining the open land is 40 ft., and if a 6 ft. open space is left adjacent to the petitioner's property, the remaining open land would be less than 80 sq. yards, rendering it unsuitable for use as an independent plot since the minimum plot size in Lajpat Nagar IV is 100 sq. yards.

10. The respondents No. 2 and 5 *viz.*, Ministry of Home Affairs, Government of India in its short affidavit dated 18.02.2020 has not expressed any opinion on the merits of the matter except stating that the work related to the government built properties has been transferred to L&DO, Ministry of Urban Development (now Ministry of Housing and Urban Affairs) through amendment in Government of India Allocation of Business Rules, 1961 *vide* this Ministry's letter No. 1.28018/2/86-AD.IV dated 28.02.1986, and thus, it is submitted that on receiving copy of the present writ, the matter has been referred to the concerned Ministry and they have nothing to do in the present matter.

11. Respondent No.3 i.e. the L&DO in its short counter-affidavit dated 08.10.2020 acknowledges that the residential property bearing No. A-IV/123-124, Amar Colony, Lajpat Nagar-IV measuring 200 Sq. Yards was allotted by the erstwhile MOR during the year 1959 to Shri Sewa Ram s/o Shri Lachman Dass and the lease deed was executed on 20.02.1960. It is stated that on the application made by the legal heirs of deceased Shri Sewa Ram for conveyance of the property in their name on 07.09.1990, the property was inspected and as per the report dated 24.10.1970 there were found breaches by way of encroachment



over an area measuring 15'x 60', which document is in fact filed by the petitioner forming Annexure-P-5. It was further stated that the conveyance of lease rights *qua* the property was carried out *vide* letter dated 02.01.1971 jointly in favour of LR's of deceased Shri Sewa Ram viz., wife Smt. Bhagwan Devi and their four sons, namely Shri Kanhaiya Lal, Shri Madan Lal, Shri Arjun Dev and Shri Manohar Lal on the basis of Relinquishment Deeds and other documents submitted by them *inter alia* giving an undertaking that they shall be responsible for any encroachment made on the government land.

12. It was further pointed out that in terms of letter No. 4(19)/78-SS.II(Vol II) dated 02.09.1982 an area of unutilized land (both developed and undeveloped) measuring approximately 1020 acres were transferred to DDA under a package deal and *vide* letter dated 18.01.1984 it was informed by the L&DO to the DDA that the physical possession of the land measuring an area of 170 Sq. Yards adjoining plot No. A-124, Lajpat Nagar, New Delhi as per site No. 12 was handed over by the Department of Rehabilitation, Settlement Wing, Jaisalmer House, New Delhi to the DDA on 30.01.1984, which letter *inter alia* indicated that at the time of handing over, the petitioner had encroached on the subject land in the form of fencing the said plot, not in his ownership. Further, it was also brought to the fore that an application dated 09.10.1991 was moved on behalf of Smt. Bhagwan Devi on behalf of other shareholders wherein she requested that small piece of land less than 100 Sq. Yards lying vacant adjacent to their property No. A-IV/ 124, Lajpat Nagar, New Delhi may be allotted to her on payment. However, the said request was not



acceded to since there was no policy invoked for allotment of additional strip of land and rejected *vide* letter dated 11.05.1992.

13. It was also stated that subsequent to the death of Smt. Bhagwan Devi on 13.12.1993, four sons of late Shri Sewa Ram applied for conveyance of their leasehold rights on 11.05.1994 in the property in their favour based on the Will executed by Smt. Bhagwan Devi bequeathing her share in their favour and the same was done *vide* order dated 10.03.1995. As regard RTI⁷ filed by the petitioner on 01.03.2019, it was stated that no reason could be advanced for charging of additional amount of Rs. 90/- for the plot bearing No. A-124 for lack of any record except the slip acknowledging receipt of the said amount. It was thus reiterated that the vacant plot in question is a marked plot and was handed over to the DDA as part of transfer of land by erstwhile MOR to the DDA in 1982-1984.

14. Insofar as **respondent No.1/DDA** is concerned, in its affidavit dated 25.11.2020 it was submitted that the Zonal layout plan prepared by town planner MCD was approved on 08.08.1974 to the effect that the DDA corner plots adjoining to A/124 and other corners plots adjoining to B/63, Plot E-IV/265 and plot D-IV/33A were handed over to the answering respondent from the MOR on 03.01.1994 in Lajpat Nagar-IV, after preparation of Zonal Development Plant. However, it was acknowledged that the above mentioned so called corner plots including that of the answering respondent could not be mentioned in the Zonal layout plan but there is no violation of the Zonal layout plan by them as alleged by the petitioner. The DDA

⁷ Right to Information



reiterated the stand of the L&DO to the effect that the land measuring 137 Sq. Yards at site No.12 adjoining house No. A-IV/124, Lajpat Nagar-IV was transferred to the answering respondent from the MOR under a package deal on 03.01.1984. The DDA states that the petitioner has opened unauthorized doors and windows towards the answering respondent's corner plot, and pertinently it is also indicated that there is no path between the petitioner's plot and the subject land.

15. Based on the aforesaid facts, the DDA states that subject land was lying vacant so the office of S&S-II issued a letter to the Executive Engineer/Eastern Division-7 to construct a boundary wall around the said plot. It is also stated that the subject land is one of the MOR pockets forwarded to the area planning unit for preparation of layout plan of MOR land pockets and layout titled "planning and development of MOR Land in Lajpat Nagar-IV", which stands approved by the Vice Chairman, DDA *vide* filed No. PA/Dy.Dir./Plg/85-55 and as per the layout plan of the MOR lands and Zonal Development Plan of Zone-F under MPD-2021, the subject land is meant for residential use and there is no such Gali/public road/lane provided in this MOR pockets of land.

ANALYSIS & DECISION:

16. I have given my anxious consideration to the submissions advanced by the learned counsels for the petitioner and the learned counsel for the DDA, which appear to be the main contesting parties. I have also meticulously perused the relevant record of the case including the documents which are placed on the record. I have also



gone through the written submissions, which have been placed on record on behalf of the petitioner as also respondent No.2.

17. At the outset, this Court is unable to persuade itself to believe the case espoused by the petitioner that his father had been allotted a corner plot, meant to be three side open as claimed. The initial allotment letter is dated 07.01.1958 by the office of Housing and Rent Officer-cum-Additional Settlement Commissioner {P-i(colly)} that was addressed to late Shri Sewa Ram thereby allotting him what was described as “cheap plot” house No. 123-124, Block IV-A which nowhere spelled out that it was a ‘corner plot’. The subsequent lease deed dated 20.02.1960 too was executed in respect of Plot No. 123-124, Lajpat Nagar for total consideration, and it was nowhere provided that 124-A/IV was a ‘corner plot’. Infact, a bare perusal of the recitals in the second paragraph of the aforesaid lease deed would show that the plots are stated to be particularly described in the schedule on the plan annexed shown in colour red with all rights, easements and appurtenances but the petitioner very conveniently has not placed on the record the said schedule envisaging the plan in red colour.

18. Learned counsel for the petitioner then relies on the sanction plan whereby he was allowed to have an entry gate and three windows facing adjacent northern open land, which is the subject land and also sought to buttress the point that even when allowing construction on the first floor, three windows were allowed to be opened towards the northern side, for which additional premium of Rs. 90/- was paid. The petitioner is miserably failing to provide any document to substantiate



that the plot of land A-123 and plot of land A-124 were having different sale value so as to calculate that Rs. 1350/- was paid towards A-123 and Rs. 1400/- was paid towards A-124. The lease deed dated 20.02.1960 does not make such distinction and as a matter of fact the ground rent and the premium was stipulated to be fixed conjointly for the two plots. No document is placed on the record to substantiate that the two plots commanded different ground rent or premium. Mere assertion that Rs. 90/- was additionally paid without substantiating the same, is meaningless. No policy of the MOR has been placed on the record to that effect either.

19. In so far as the sanction plan of the building is concerned, it was only with regard to construction of the house as per the BBL and even if construction was allowed having a door and a window opening to the northern side of the plot towards the subject plot, that by itself wrongly or rightly done by the MCD, would not create any legal right or easement in favour of the petitioner. ***Infact, there is more to the story than meets the eye***, when it is seen that the petitioner himself relies on certain documents, which demolishes his case. He relies on the inspection report of the property done on 24.10.1970 when he along with other legal heirs of deceased Shri Sewa Ram applied for mutation or the conveyance of the lease deed in their favour, which although showed that there was no misuse in the property and no unauthorized construction existed but it did show that there was an encroachment of 15' x 60' towards northern side, which is substantiated by the affidavit of the L&DO.



20. Since these are old documents, the petitioner very conveniently has not even filed undertakings given by them, which as per the L&DO, were filed whereby it was undertaken by the petitioner & other legal heirs of late Sewa Ram that they shall themselves be responsible for any unauthorized encroachment. The said inspection report dated 24.10.1970 also showed that the applicants had **made a lawn** on that side which is also shown by rough sketch plan. Evidently, the petitioner is further concealing material facts as brought out in the affidavit of the L&DO that through their mother Smt. Bhagwan Devi with others moved an application for allotment of the subject land in her favour *vide* request letter dated 09.10.1990, which was rejected *vide* letter dated 11.05.1992.

21. What the aforesaid facts palpably demonstrate is that even as per the legal representatives of the deceased Shri Sewa Ram, there was no assertion that the subject land or the adjoining land to the north of A-124 was necessary for exercise of their easement rights, if any. It is also brought on the record that the MOR land was handed over to the respondent No.1/DDA in terms of letter dated 18.01.1984 (Annexure-2), which was accompanied with a statement showing land handed over to the DDA in Lajpat Nagar-IV and *vide* item No.12, status of the plot adjacent to A-124 Part-II, Lajpat Nagar measuring 132 Sq. Yards was described as “*fenced by owner of adjoining house No. A-124*”.

22. Learned counsel for the petitioner also sought to rely on a letter dated 24.02.1979 whereby a notice was given to his mother by the L&DO about inspection of site plot to be done on 23.03.1979 at any



time between 10-11 am on her request and report submitted therewith to the effect that there was no unauthorized construction or encroachment. I do not see how merely based on the aforesaid letter dated 24.02.1979, estoppel or the doctrine of legitimate expectation can be asserted. The whole discussion above would rather raise a strong inference that right from the time the property was leased, constructed and till the rejection of their request for allotment of adjoining plot/subject land in terms letter dated 11.05.1992, there was laid no claim as to easement and/or otherwise with regards to the adjoining plot/subject land.

23. Another twist to the story was sought to be introduced by the learned counsel for petitioner, who referred to letter dated 10.03.1995 by the L&DO addressed to him with regard to substitution of lease hold rights consequent upon death of their mother in which property was described as ‘A-IV/13-124 **CP**, Lajpat Nagar, New Delhi’. It was urged that the abbreviation ‘**CP**’ meant ‘corner plot’ but the said plea falls flat because as per the initial allotment letter dated 07.01.1958 ‘**CP**’ is an abbreviation which stands for ‘cheap plot’.

24. In the said backdrop of history right from 1958 till 1995, it appears that a trouble arose when as per the petitioner some DDA official started digging trenches for construction of a boundary wall on or about 27.11.2018. Long story short, on the complaints lodged by the petitioner with the Public Grievance Cell, His Excellency Lieutenant Governor of Delhi and even PMO⁸, the Deputy Director/S&S-II DDA Land Management, respondent No. 2, issued

⁸ Prime Minister Office



impugned orders dated 05.02.2019 and 02.04.2019 to the following effect:

“The owner of the adjoining house i.e. A-IV 124 have opened unauthorizedly doors and windows towards the DDA’s corner plot. The site plan is attached herewith wherein it clearly mention that there is no path between A-IV 124 and DDA plot. Hence no passage will be provided by DDA and construct the wall immediately.”

25. Thereafter, His Excellency Lieutenant Governor of Delhi passed the impugned order dated 03.06.2019:

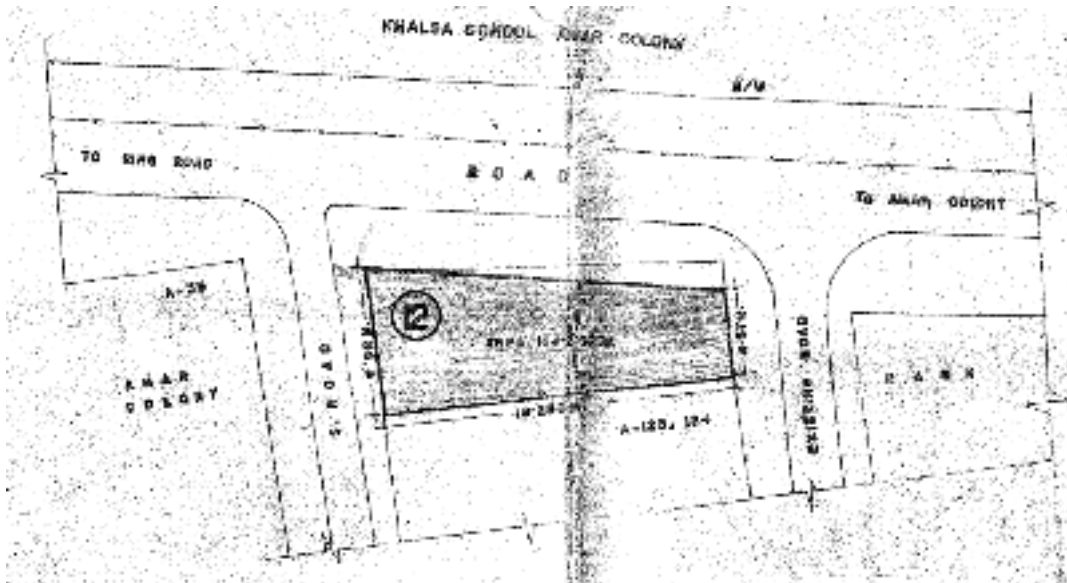
“As per report of EE/ED-7, that DDA has taken up the work of construction of boundary wall of DDA plot adjoining to A-124, Amar Colony, Lajpat Nagar-IV, which was handed over by Surveyor/S&S-II on 02.11.2017. In the handing over/taken over note it was mentioned by S&S-II Branch that the DDA plot has been encroached by owner of adjoining plot A-124 in the shape of extended sunshade, balcony, 02 nos. gate. As per possession plan, there is no passage adjoining to A-124 plot. Dy. Director (S&S)-II vide his office letter no, 1(22)18/S&S-II/Misc/86 dated 02.04.2019 again clarified that there is no path/passage between DDA plot & A-124 plot. Hence, no passage will be no provided by DDA & directed to construct the boundary wall of DDA plot immediately. The plan of A-124 has been sanctioned by SDMC as the area is de-notified.”

26. The respondent passed the impugned order dated 30.01.2018, which was communicated to the petitioner on 06.02.2019 for the first time. The order noted that:

- “1. The Area of plot no. adjoining to 124(A-IV) is found is 137 sq yds. = $(15+26)/2 \times 60 = 137$ sq. yds.
2. The site is free from any court case, litigation etc.
3. Site is vacant but encroached by adjoining h-no. 124 A shape of extended sunshade balcony and two no gates and 4 ventilators.
4. No B/Wall found at site.”



27. In view of the aforesaid discussion, at the end, we may rely on the site plan relied upon by the petitioner, where the position of the plot is shown as under:



28. Without further ado, it is but apparent that the design of the petitioner is to encroach upon the public land to which he has no legal right. Merely because he somehow managed to get a sanction plan thereby having his three windows and one door towards the vacant piece of land on the north and no easement rights accrued to him. The subject land belongs to the DDA and their action for constructing a boundary wall and its proposed use for residential purposes as per revised Zonal Development Plan cannot be questioned in law.

29. The present writ petition ought to be dismissed on the ground of concealment of material facts as discussed above, for which reliance can be placed on a decision in the case of **State of Orissa v. Laxmi**



Narayan Das (Dead) Through LRs⁹ which reiterated the proposition of law in an earlier case titled **Abhyudya Sanstha v. Union of India¹⁰** wherein the Court declined to give relief to the petitioners therein who did not approach the Court with clean hands and it was opined as under:-

“**41.** In *Abhyudya Sanstha v. Union of India*, (2011) 6 SCC 145, this Court, while declining relief to the petitioners therein, who did not approach the court with clean hands, opined as under:

“**18.** ... In our view, the appellants deserve to be non suited because they have not approached the Court with clean hands. The plea of inadvertent mistake put forward by the learned senior counsel for the appellants and their submission that the Court may take lenient view and order regularisation of the admissions already made sounds attractive but does not merit acceptance. Each of the appellants consciously made a statement that it had been granted recognition by the NCTE, which necessarily implies that recognition was granted in terms of Section 14 of the Act read with Regulations 7 and 8 of the 2007 Regulations. Those managing the affairs of the appellants do not belong to the category of innocent, illiterate/uneducated persons, who are not conversant with the relevant statutory provisions and the court process. The very fact that each of the appellants had submitted LPASW No. 82/2019 Page 7 application in terms of Regulation 7 and made itself available for inspection by the team constituted by WRC, Bhopal shows that they were fully aware of the fact that they can get recognition only after fulfilling the conditions specified in the Act and the Regulations and that WRC, Bhopal had not granted recognition to them. Notwithstanding this, they made bold statement that they had been granted recognition by the competent authority and thereby succeeded in persuading this Court to entertain the special leave petitions and pass interim orders. The minimum, which can be said about the appellants is that they have not approached the Court with clean hands and succeeded in polluting the stream of justice by making patently false statement. Therefore, they are not entitled to relief under Article 136 of the Constitution. This view finds support from plethora of precedents.

⁹ 2023 SCC OnLine SC 825

¹⁰ (2011) 6 SCC 145



42. In *Hari Narain v. Badri Das*, AIR 1963 SC 1558, *G. Narayanaswamy Reddy (Dead) by Lrs. v. Govt. of Karnataka*, (1991) 3 SCC 261 and plethora of other cases, this Court denied relief to the petitioner/appellant on the ground that he had not approached the Court with clean hands. In *Hari Narain v. Badri Das* (supra), the Court revoked the leave granted to the appellant and observed:

“It is of utmost importance that in making material statements and setting forth grounds in applications for special leave made under Article 136 of the Constitution, care must be taken not to make any statements which are inaccurate, untrue or misleading. In dealing with applications for special leave, the Court naturally takes statements of fact and grounds of fact contained in the petitions at their face value and it LPASW No. 82/2019 Page 8 would be unfair to betray the confidence of the Court by making statements which are untrue and misleading. Thus, if at the hearing of the appeal the Supreme Court is satisfied that the material statements made by the appellant in his application for special leave are inaccurate and misleading, and the respondent is entitled to contend that the appellant may have obtained special leave from the Supreme Court on the strength of what he characterises as misrepresentations of facts contained in the petition for special leave, the Supreme Court may come to the conclusion that in such a case special leave granted to the appellant ought to be revoked.”

30. In view of the foregoing discussion, the instant writ petition is hereby dismissed. In view of the peculiar facts and circumstances of the case, where the petitioner has based his claim not only without any foundation but also has concealed and misrepresented vital facts, and thereby has caused loss of revenue to the DDA, which is the rightful owner of the piece of land, the petitioner is burdened with token cost of Rs. 50,000/- which be deposited with the DDA towards legal expenses incurred in proceeding with this long and baseless writ proceedings.



31. The present writ petition is accordingly dismissed. The interim order dated 23.09.2019 directing *status quo* is vacated. All interim applications stands disposed of too.

DHARMESH SHARMA, J.

AUGUST 28, 2024

Sadiq