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

+ **W.P.(C) 9595/2024**

SUSHMA TANWAR

.....Petitioner

Through: Mr. Sudhir Nagar, Mr. Arun Kr. Nagar and Mr. Piyush Aggarwal, Advocates.

versus

**GOVERNMENT OF NCT OF DELHI
& ORS.**

.....Respondents

Through: Mr. Divyam Nandrajog, Panel Counsel, GNCTD with Mr. Prakhyat Gargyasya, Advocate for R-1 to 4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **16.07.2024**

CM APPL. 39385/2024 (exemption)

1. Allowed subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 9595/2024 & CM APPL. 39384/2024 (stay)

3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

"1) Issue a writ of mandamus or any other appropriate writ, direction or order thereby directing the respondents to take appropriate legal action in respect of illegal use of land for non-agricultural purposes and for unauthorised constructions in respect of land comprised in Khasra no. 1206 min (7-08), 1207 min (10-0), 1208 (8-19), 1209(3-09), 1214 Min (1-06), 1216 Min (6-02), 1325 (1-11) 1326(3-07) at Village Fatehpur Beri, New Delhi.

2) Issue a writ of mandamus or any other appropriate writ thereby directing the respondents to demolish the existing concrete structures built in violation of provision of Delhi Land Reform Act, 1954 and Rules, in respect of the aforesaid land i.e. land comprised in Khasra no. 1206



min (7-08), 1207 min (10-0), 1208 (8-19), 1209(3-09), 1214 Min (1-06), 1216 Min (6-02), 1325 (1-11) 1326(3-07) at Village Fatehpur Beri, New Delhi.

3) Issue a writ of mandamus or any other appropriate writ, order or directions thereby directing the respondents to take appropriate steps to restore the aforesaid land to make the same usable for agricultural purposes.

4) The cost of the petition may also be order to be paid by the respondents to the petitioner.

5) Any other Writ, Order and directions which this Hon'ble Court may deem fit, in the facts and circumstances of the case, in the interest of justice."

4. As per the case of the Petitioner, on 15.03.2024, he became the co-owner of land forming part of Khasra no. 1206 min (7-08), 1207 min (10-0), 1208 (8-19), 1209 (3-09), 1214 Min (1-06), 1216 Min (6-02), 1325 (1-11), 1326 (3-07) situated at Village Fatehpur Beri, New Delhi, being 5/224th shareholder in the aforesaid land.

5. Between March, 2024 to May, 2024, Petitioner found that there was some illegal construction on part of the aforesaid land, however, despite repeated requests of the Petitioner, the unauthorized construction was not stopped and no steps were taken by the concerned persons.

6. On 10.03.2024, Petitioner filed a representation with the Sub-Divisional Magistrate (SDM) along with photocopies of the site seeking legal action against the alleged unauthorized construction, which according to the Petitioner, was impermissible under the provisions of the Delhi Land Reforms Act, 1954 ('1954 Act').

7. Aggrieved by the fact that till date there has been no response and no action has been taken by the SDM, the present petition has been filed.

8. Issue notice.

9. Mr. Divyam Nandrajog, learned Panel Counsel accepts notice on



behalf of the Respondents No. 1 to 4.

10. It is evident that the Petitioner had filed a representation on 29.05.2024, bringing to the notice of the concerned authority that there is allegedly some unauthorized construction on the agricultural land, which is impermissible under the 1954 Act, however, the representation is still undecided.

11. In my view, at this stage, it would be appropriate to dispose of the present petition with a direction to the Competent Authority to dispose of the representation dated 29.05.2024 and take a decision within six weeks from today and take necessary action, in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the case and the Competent Authority will decide the same as per the 1954 Act or any other applicable law.

12. Additionally, the present petition will also be treated as an additional representation and the Competent Authority will look into all the grounds, factual and legal, raised by the Petitioner.

13. The decision shall be taken after giving an opportunity of hearing to the Petitioner, who is at liberty to apprise the Competent Authority with all the relevant documents and photographs, if any.

14. The date of hearing shall be intimated to the Petitioner one week in advance.

15. Writ petition along with pending application stands disposed of.

JYOTI SINGH, J

JULY 16, 2024/jg