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

+ **W.P.(C) 13872/2023 & CM APPL. 54798/2023**

JP SINGH & ANR.

..... Petitioners

Through: **Mr. Deepak Singh and Mr. Vikrant
Singh, Advocates**

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: **Mr. Sanjay Katyal and Ms. Kritika
Gupta, Advocates for DDA
Mr. Anuj Aggarwal, ASC for
GNCTD with Ms. Arshya Singh and
Mr. Aakash Dahiya, Advocates for
R-2
Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr. Sunil Kumar Jha,
Mr. M.S. Akhtar and Ms. Nidhi
Thakur, Advocates for R-3/L&B**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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16.01.2024

1. The present public interest litigation has been filed praying for the following reliefs:

“A. Issue a writ of mandamus or any other appropriate writ, order or direction to Respondent No 1 for arranging re-demarcation of the lands encroached in khasra No. 65//12, 65//8 of village Pooth Khurd and 87//76 & 87//77 of village barwala in the earliest possible time and direction for submission of fresh report to the Hon'ble Court.



B. Also, a direction to the Ld. Counsel representing Deputy Commissioner (North) and Ld. Counsel for Land and Building Department, NCT of Delhi to submit all its demarcation reports conducted in past before the Hon'ble High Court for appraisal and vacation of stay from the said lands so that the DDA can reschedule the demolition program for removal of illegal encroachment in large public interest.

C. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondent No. 4 to conduct an inquiry into the actions of the DDA officials take appropriate action against those found guilty of colluding with the ENCROACHERS for personal gains and take action against those officials responsible for the illegal act and to recover the losses caused to the public exchequer.

D. Award the cost of the present writ petition to the Petitioners.

E. Pass any other order(s) or direction(s) that this Hon'ble Court deems fit and proper in the facts and circumstances and in the interest of justice and public interest.”

2. This Court is of the view that the relief of demarcation cannot be directed in a public interest litigation as third-parties may have objections to the demarcation report. It is pertinent to mention that in the present writ petition the alleged encroachers and occupiers of illegal and unauthorised construction have not been made parties.

3. However, keeping in view the allegation of encroachment as well as illegal and unauthorised construction, this Court disposes of the present petition with a direction to Chairman STF (Vice Chairman) DDA to decide the writ petition as a representation in accordance with law by way of a reasoned order within eight weeks.



4. If the STF is of the view that a case of encroachment or illegal and unauthorised construction is made out, then it shall take action in accordance with law.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 16, 2024/rhc