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

+ **W.P.(C) 10172/2024, CM APPL. 41763-41765/2024**

TARA CHAND GUPTA & ORS.

.....Petitioners

Through: Mr. Malak Bhatt, Ms. Neeha Nagpal
and Ms. Nitya Prabhakar, Advocates.

versus

**UNION OF INDIA THE MINISTRY OF HOUSING AND URBAN
AFFAIRS & ANR.**

.....Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Kushagra Kumar,
Mr. Abhinav Bhardwaj, Mr. Rudra
Paliwal, Mr. Deepak Gaur,
Ms. Jharna Sharma, Mr. Deo Mani
Tripathi, Ms. Ekta Mudgil and
Mr. Gautam Goswami, Advocates for
R-1, 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

29.07.2024

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1. The present petition seeks to direct Respondent No. 2 to produce all documents related to the property bearing No. I-10A, Lajpat Nagar-3, New Delhi – 110024,¹ and disclose reasons for alleging that Petitioners' lease deed in respect to the Subject Property, to be a forged and fabricated document.

2. The background leading to filing of the present writ petition is as follows:

¹ "Subject Property"



2.1. The rights in the Subject Property devolved upon the Petitioners after the demise of their father, who attained the right to occupy and reside in the Subject Property pursuant to execution of lease deed dated 10th June, 1960 with Respondent No. 2/ Land & Development Office.²

2.2. Before getting the Subject Property transferred in their name, Petitioner No. 1 filed an application under Right to Information Act, 2005,³ to inspect the file of the Subject Property. In response, L&DO stated that they are unable to locate the said file.

2.3. A writ petition bearing No. W.P.(C) 15646/2022 was filed by Lajpat Nagar-3 Resident Welfare Association seeking removal of the Petitioners from the Subject Property, alleging that the lease deed is forged and fabricated. On 18th January, 2023, on the basis of letter dated 24th November, 2022 issued by L&DO to the Municipal Corporation of Delhi, the Court issued directions for removal of encroachment and demolition of the Subject Property. The said order reads as follows:

“2. The present case relates to illegal constructions and encroachment in respect of the land situated between Plot no. I-9 and I-10, Lajpat Nagar, the Land and Development Office, Ministry of Housing and Urban Affairs (L&DO) vide letter dated 24th November, 2022 has already communicated to the Municipal Corporation of Delhi (MCD) as under:

“Sub: Action to be taken against the illegal encroachment on the government land lying vacant between Plot No. I-9 and I-10, Lajpat Nagar - 3, New Delhi.”

Sir,

With reference to the above subject, you are informed that Vacant Government land is being occupied by illegal construction of rooms with Brick work etc by encroachers between Plot No. I-9 and I-10, Lajpat Nagar - 3, New Delhi. You are requested to take immediate action to remove the encroachment on the vacant land lying between

² “L&DO”

³ “RTI application”



Plot No. I-9 and I-10 Lajpat Nagar - 3, New Delhi.

Along with this, you are requested to inform the date and time to be fixed for removal of encroachment to this office as well. Your department's prompt action is expected in this matter.

This letter is issued with the approval of the Land and Development Officer.”

From the above letter it is clear that there is illegal encroachment between the two plots I-9 and I-10.

3. In view of the above, the MCD shall remove the illegal encroachment within two weeks and file a status report. In addition, MCD shall also file a status report as to the parking situation in Lajpat Nagar.

4. Ld. Counsel for parties submit that a large multilevel parking has been created but most traders park their own cars in front of their shops. It is a common fact of which judicial notice can be take that in the Lajpat Nagar Central Market area thousands of commuters and shoppers face various difficulties on a daily basis due to the parking of cars on both sides of the road.

5. The MCD while filing the status report shall also inform the Court as to whether there is a multilevel vehicle parking available for visitors and traders in the said area and if so, what is the capacity of the same. Photographs of the parking shall be filed. The report shall also state the reasons for the traffic congestion in the Central market area and suggest measures to resolve the same, in the interest of visitors and traders.

6. The concerned SHO, PS Lajpat Nagar shall provide protection for removal of the said illegal encroachments.”

2.4. Thereafter, the Petitioners filed CM APPL. 36014/2023 in the aforesaid writ petition, praying for disclosure of reasons for L&DO to state that Petitioners' title document i.e. the lease deed was forged by Respondent No. 2. The said writ petition is currently pending consideration, where status reports have been periodically filed under Court directions.

2.5. Petitioner No. 1 submitted two representations to Respondent No. 2 on 21st November, 2023 and 05th February, 2024 requesting for inspection of file of the Subject Property and seeking certified copies of certain notes/documents pertaining to the Subject Property, available at the office of Respondent No. 2, but to no avail. Hence, the present petition.

3. Counsel for the Petitioners highlights a contradiction in the stand of



L&DO in reply to the Petitioners' RTI Application, where they stated that the file pertaining to the Subject Property is not traceable, but in an affidavit filed in W.P.(C) 15646/2022, they stated that the lease deed is forged. She further submits that upon physical inspection, Petitioners were able to locate critical documents that L&DO previously claimed to be untraceable. Pursuant to such inspection, Petitioners applied for certified copies of entire correspondence and notes under the inspected file through the above-noted representations, however, the same has not been received by them till date.

4. Mr. Ripu Daman Bhardwaj, counsel representing L&DO, strongly denies all the allegations made in the petition. He submits that status report(s) furnished by L&DO in W.P.(C) 15646/2022 is based on the record available with them.

5. The Petitioners' limited grievance in the present petition pertains to supply of copies of specific documents, identified in their communications dated 21st November, 2023 [Annexure P-20] and 05th February, 2024 [Annexure P-23]. In light of the above, the instant petition is disposed of with a direction to Respondent No. 2 to provide the necessary documents requested by the Petitioners in the afore-noted two representations.

6. It is made clear that the Court has not commented on the merits of the allegations made by the Petitioners. All rights and contentions of the parties are left open.

7. The petition is disposed of along with pending applications.

SANJEEV NARULA, J

JULY 29, 2024/nk