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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1944/2023 CM APPL. 67089/2023

AZIZUR REHMAN

..... Petitioner

Through: Mr. Rajiv Kumar Ghawana, Mr.
Neelaksh Sharma and Mr. Vikalp
Chandela, Advs.

versus

SHRI SUBHASISH PANDA & ORS.

..... Respondents

Through: Ms. Manika Tripathy, Mr. Ashutosh
Kaushik, Mr. Rony John and Mr.
Naveen K. Sarswat, Advs.
Ms. Rachita Garg, Mr. Apoorv
Rastogi and Mr. Agam Rajput, Advs.
for R-5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

08.05.2024

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1. The petitioner has filed the present petition praying that the respondents have proceeded against wilful disobedience of the order dated 19.03.2018 in W.P.(C) 2598/2018. In terms of the said order, this Court had directed the parties *“to maintain status quo with regard to title, nature, possession and construction till the disposal of the writ petition with respect to the land comprised in Khasra No. 409 admeasuring 346 Sq. Yards, situated in Shaheen Bagh, Abul Fazal Enclave – II, Jamia Nagar, in the revenue estate of Village Jasola, New Delhi”*.

2. The petitioner alleges that despite clear orders, officials of the respondents had come to the site on 26.10.2023 and had demolished the built-up structures on the petitioner's land and has thus, rendered the *“occupants roofless”*. The petitioner has also annexed photographs with the



present petition. The first photograph indicates that a JCB is apparently digging a trench on the vacant land. The second photograph indicates one sheet of corrugated roof, some loose debris, some used paper and some other material. We are unable to accept that this photograph reflects demolition of any built-up structure. The other three photographs show persons standing against each other and there is some debris in the background.

3. The respondents have filed an affidavit affirming that they had not taken any demolition action on the petitioner's land. It is affirmed that demolition programme was carried out to remove three temporary structures (mostly commercial) but the same were not on the petitioner's land. The respondents also affirm that the demolition carried out was with respect to land which forms the subject matter of five separate petitions which have been adjudicated upon by this Court and the details of which are set out in their affidavits/replies.

4. The petitioner has filed a site plan reflecting his land as 1000 sq. yards. He claims that every structure was standing on his land. The map also shows some land owned by other persons.

5. It is, at once, apparent that there is a discrepancy in the description of the land in respect of the *status quo* order - which is alleged to have been violated was passed and the land as claimed in the site plan. The *status quo* order was in respect of the land admeasuring 346 sq. yards. There is nothing in the present petition, which would indicate that 346 sq. yards falling in Khasra No. 409 is not vacant land.

6. It is contended by the learned counsel for the petitioner that the entire 1000 sq. yards had been built-up. The photographs annexed with the present petition do not substantiate his claim as the debris shown is not substantial



and does not indicate the said debris related to any permanent built-up structure. This is confirmed by the fact that debris is one corrugated sheet and some other miscellaneous material.

7. The petition is accordingly dismissed. The pending application also stands disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 08, 2024/r

Click here to check corrigendum, if any