



\$~90

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

+ **W.P.(C) 12581/2024**

**VRPL REAL ESTATES LLP THROUGH AUTHORIZED
SIGNATORY NAVEEN GUPTA**

.....Petitioner

Through: Mr. Sunil Kumar Jha, Mr. Amrendra
Kumar Choubey and Mr. Shashikant Pandey,
Advocates.

versus

THE COMMISSIONER OF POLICE & ORS.Respondents

Through: Mr. Theepa Murugesan, Senior Panel
Counsel with Ms. Sanya Bhatia, Advocate and Ms.
Seema Singh, Govt. Pleader for Respondent No.1
and 2.

Mr. Sameer Vashisht, ASC (Civil) with Ms.
Harshita Nathrani and Mr. Arjun Gupta,
Advocates for Respondent No.4.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
09.09.2024

%

CM APPL. 52360/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 12581/2024

3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India laying a challenge to order dated 25.07.2024 passed by Chairman (STF)/SDM,(Najafgarh)/Respondent No. 3, as also seeking a direction to Respondents No. 1 and 2 that they should not



obstruct the Petitioner from raising construction on his agricultural land ad-measuring 34 *bighas* and 12 *biswas* bearing Khasra Nos. 21//2(2-4), 8(3-12), 9(4-16), 12(4-16), 13(4-16), 18/1(2-8), 19(4-16), 22(4-16), 24//2/1(2-8), situated in the revenue estate of village Dhansa, Tehsil Najafgarh, District South West Delhi, New Delhi ('subject land'), limited to constructing a boundary wall upto permissible height of 5 feet.

4. It is averred in the petition that Petitioner is a company incorporated under the Limited Liability Partnership Act, 2008 and purchased the subject land on 03.10.2023. The authorised signatory of the Petitioner visited the office of the Sub-Divisional Magistrate (SDM) on 12.12.2023 for seeking permission to construct a 5 feet boundary wall on the subject land and this was followed by repeated visits on 01.03.2024 and 22.04.2024 but despite this formal permission for construction has not been granted till date *albeit* there is no legal impediment in constructing a boundary wall of 5 feet height. The grievance of Petitioner is that the subject land is an open land and it is becoming difficult to grow and plant vegetables etc. due to wild animals entering the property and destroying the crops and therefore it is imperative that the subject land is protected by a boundary wall. On account of inaction on the part of the concerned officers to grant permission for construction, Petitioner started constructing the boundary wall but its employees were obstructed on 13.07.2024 by the police officials of PS: Jafarpur Kalan, who came to the subject land and started demolishing the structure and this led to filing of this petition.

5. Learned counsel for the Petitioner submits that the Petitioner is not making any unauthorized construction on the subject land and is only wanting to construct a boundary wall upto 5 feet in height, which is



permissible in law and assures the Court that there will be no further construction, in violation of any law. It is also urged that a Co-ordinate Bench of this Court in W.P.(C) 16738/2023 has vide order dated 22.12.2023 directed the Respondents therein to not obstruct the Petitioner from constructing the boundary wall upto 5 feet around the land in question on an undertaking by the Petitioner that the construction/reconstruction will be to the extent permissible without requirement of any prior sanction under the Unified Building Bye-Laws of Delhi, 2016 and same relief be granted to the Petitioner which is identically placed.

6. Issue notice.

7. Mr. Theepa Murugesan, learned Senior Panel Counsel accepts notice on behalf of Respondents No.1 and 2.

8. Mr. Sameer Vashisht, learned Additional Standing Counsel accepts notice on behalf of Respondent No.4.

9. The grievance of the Petitioner is in a narrow compass. There is no dispute that Petitioner is the lawful owner of the subject land and the limited relief sought is for a direction to Respondents No. 1 and 2 to not obstruct the Petitioner from constructing a boundary wall on the subject land upto a height of 5 feet, which is permissible under Bye-Law No. 2.0.1(d)(vii) of the aforementioned Bye-Laws which stipulate that construction/reconstruction of a boundary wall is permissible upto a certain height. Learned counsel for Respondents No. 1 and 2, on the other hand, fairly submits on instructions that if the Petitioner restricts the construction to a boundary wall and that too upto a height of 5 feet, the answering Respondents have no objection and there will be no obstruction. It is, however, submitted that the Petitioner must adhere to the assurance given and the concerned officers should be



given the liberty to carry out inspection of the subject land to ensure that there is no other construction since the subject land is an agricultural land.

10. In view of the above, this writ petition is disposed of with a direction to Respondents No. 1 and 2 to not obstruct the Petitioner from constructing the boundary wall upto a maximum height of 5 feet around the subject land and undertaking of the Petitioner to this extent is taken on record. It is open to the District Magistrate, Kapashera, South West Delhi to visit the subject land for the purpose of ascertaining that no unauthorised construction is raised by the Petitioner and in case any such construction is found, necessary action may be taken as per law. It is pertinent to mention that the impugned restraint order dated 25.07.2024 has been passed by the Chairman (STF)/SDM,(Najafgarh)/Respondent No. 3 and therefore, Petitioner shall file an affidavit of undertaking before the Chairman that only a boundary wall will be constructed to fence the subject land upto a height of 5 feet. The affidavit shall be filed within three weeks from today.

11. No further order is required to be passed at this stage.

JYOTI SINGH, J

SEPTEMBER 9, 2024

DU/shivam