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

+ **W.P.(C) 16004/2024**

CITY LIFE PROJECTS PRIVATE LIMITEDPetitioner

Through: Mr. V.P. Rana and Ms. Jyoti Nambiar, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.Respondents

Through: Mr. Raghvendra Upadhyay, Ms.Purnima Jain and Mr. Vaibhav Tripathi, Advocates for Respondents No.1 and 2.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
19.11.2024

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1. The present writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following relief:

“i). issue writ of prohibition, thereby directing the respondents to not interfere in raising of small room having dimension 15 x 20 feet and 5 feet boundary wall of land measuring 07 bigha and 2 biswas, comprising in Khasra No.10/1 (4-19), 10 (North) (2-03), situated in village Singhola, Narela, Delhi”

2. Factual matrix to the extent relevant and as averred in the writ petition is that Petitioner Company was incorporated and registered under the Companies Act, 1956 on 13.08.2008. Petitioner purchased land measuring 7 Bigha 2 Biswa comprised in Khasra No. 10/1 (4-19), 10 (North), 2-03, situated in Village Singhola, Narela, Delhi (‘subject property’) from its erstwhile owner Sh. Gyan Chand on 18.02.2014 and the land was mutated in



name of the Petitioner. In the beginning of 2024, Petitioner wanted to construct a boundary wall around the subject property, however, officials of the Petitioner Company were prevented from doing so by Respondents No. 1 and 2 on the ground that it was impermissible in law, compelling the Petitioner to approach this Court.

3. Learned counsel for the Petitioner urges that construction of boundary wall upto 5 ft. height is permissible in law and the stand of the Respondents No. 1 and 2 in this regard is wholly flawed. He relies on the judgment of this Court in *Gaon Sabha Nanakheri v. Sucheta Memorial Trust, 2018 SCC OnLine Del 11431*, where this Court has held that though no height of the boundary wall is prescribed or specified under Delhi Land Reforms Act, 1954 ('1954 Act') or its Rules, however, since inspections have to take place with respect to agricultural lands and those which are subject matter of Section 81 of 1954 Act, wall can be constructed by the landholder around his land provided it does not exceed 5 ft. in height. It is also argued that several Benches of this Court have been consistently granting permission to construct boundary walls upto 5 ft. height as there is no bar in law to do so. The subject land is an open land and it is not only difficult to grow plants, crops, vegetables etc. due to wild animals entering the property but also the property is required to be bounded for reasons of security. It is therefore prayed that Respondents be directed to permit the Petitioner's officials to construct the boundary wall with an assurance that no unauthorized construction will be carried out on the subject land and the height of the boundary wall will not be beyond 5 ft.

4. Issue notice.



5. Counsel, as above, accepts notice on behalf of Respondents No. 1 and 2.

6. 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.

7. In view of the stands taken by the respective parties and in light of the orders passed by this Court permitting construction of boundary wall to the extent of 5 ft. in *Dharamvati Devi v. The State Govt. of NCT of Delhi Department of Revenue & Ors., W.P. (C) No. 13076/2023*, decided on 05.10.2023; *Smt. Sangeeta v. Govt. of NCT of Delhi & Ors., W.P. (C) No. 15008/2023*, decided on 20.11.2023; and *VRPL Real Estates LLP Through Authorized Signatory Naveen Gupta v. The Commissioner of Police & Ors., W.P. (C) No. 12581/2024*, decided on 09.09.2024, 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 of the concerned area 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.

JYOTI SINGH, J

NOVEMBER 19, 2024

B.S. Rohella/shivam