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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9192/2015**
VIJAY PAL Petitioner

Through: **Mr. N.S. Dalal, Mr. Alok Kumar and
Ms. Rachana Dalal, Advocates.**

versus

GOVT OF NCT OF DELHI & ORS. Respondents
Through: **Mr. Rishikesh Kumar, ASC, GNCTD
with Ms. Sheenu Priya, Mr. Atik Gill,
Mr. Sudhir Kumar Shukla and
Mr. Sudhir, Advocates for GNCTD.**

CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

29.02.2024

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1. The present writ petition is filed under Article 226 of the Constitution for issuance of directions to the respondents to protect the land of Khasra no. 599 measuring 1 bigha 8 biswas situated in The Revenue Estate of Village Sabhapur, Shahdara, Delhi from being encroached. The petitioner has made the following prayers:-

- (i) Issue an appropriate writ, order or direction thereby directing the respondents to protect the land of Khasra No.599, measuring 1 bigha 8 biswas situated in the revenue estate of Village Sabhapur, Shahdara, Delhi, from being encroached upon;**
- (ii) Award costs of the present writ petition in favour of the petitioner and against the respondents; and**
- (iii) Issue any other or further appropriate writ, order or direction as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case, in favour of the petitioner and against the respondents.**

2. The respondents filed the counter affidavit sworn by Jitendra Kumar



Singh, Block Development Officer, District North-East wherein it is stated as under:-

3. The contents of this Para under reply are a matter of record. It is true that Kh. No. 599 (1-08) is vested Gram Sabha land although the vacant possession was not handed over to the Gram Sabha as per available record in this office. At present the village Sabhapur is an urbanized village and entire Gram Sabha land of this village falls under the jurisdiction of DDA.

6. In reply to Para 6, it is submitted that as per reference of reply of Para No.3 the Gram Sabha land of urbanized villages as well as village Sabhapur Shahdara are looked after by OOA as per notification no. F.7 (128)/DLB/2019/000580156/4600-15 dated 20.11.2019. A copy of the notification is annexed as Annexure R-1.

3. The Additional Standing Counsel for the respondents stated that the land subject matter of the present petition is now under the control and management of DDA and the respondent no. 1 has left with no interest in the said land.

4. Mr. N.S. Dalal, the counsel for the petitioner stated that as the land has already been vested in favour of DDA as mentioned in Paras 3 and 6 of the counter affidavit filed on behalf of the respondents, he be allowed to withdraw the present petition with liberty to initiate appropriate legal proceedings pertaining to the land, subject matter of the present petition in accordance with law and he may not be confining his relief to DDA only.

5. Liberty as prayed for is granted.

6. The present petition along with pending applications, if any, stands dismissed as withdrawn.

DR. SUDHIR KUMAR JAIN, J

FEBRUARY 29, 2024

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