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

+ W.P.(C) 4176/2023

ANUPAM BATRA

.....Petitioner

Through: Mr. Chandan Prajapati, Advocate for
Ms. Pratima N. Lakra, Advocate
(M:9953061614)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Gaganmeet Singh Sachdeva, SC-
MCD with Mr. Harshpreet Singh
Chadha, Mr. Hridyesh Khanna,
Advocates (M:9582055425)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

25.09.2025

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1. The present writ petition has been filed seeking to restrain the respondent from disturbing the peaceful and physical possession of the petitioner over the property bearing No. B-13, Labour Chowk, Payare Lal Kapahi Marg, Majlis Park, Delhi.

2. This Court notes that the present writ petition has been filed seeking, *inter alia*, the following prayers:

“A. Pass an order of Issuance of mandamus/ any other appropriate writ, order or direction restraining Respondents to disturb the peaceful and physical possession of petitioner over the property B-13, Labour Chowk, Payare Lal Kapahi Marg, Majlis Park; And

B. Pass an order for issuance of any writ and/or any other appropriate writ, order or direction to respondent to hand-over



peaceful, vacant, physical possession of the parcel of the subject land that belongs to the petitioner and to allow the petitioner to construct/reconstruct the plot as per rules; And

C. Pass an order of issuance of any writ and/or any other appropriate writ, order or direction to respondent to obeying the order of court of Shri P D Jarwal Sub Judge Delhi dated 17.11.1989 in suit no. 88 of 1985; And

xxx xxx xxx”

3. Perusal of the aforesaid prayer clauses shows that the petitioner has sought for directions to the Municipal Corporation of Delhi (“MCD”), to hand over the physical and vacant possession of the subject land.

4. It is to be noted that when the matter was listed on 06th December, 2024, following observations came to be made by the Court:

“1. The petitioner has filed this writ petition seeking the following reliefs:-

“A. Pass an order of Issuance of mandamus/any other appropriate writ, order or direction restraining Respondents to disturb the peaceful and physical possession of petitioner over the property B-13, Labour Chowk, Payare Lal Kapahi Marg, Majlis Park; And

B. Pass an order for issuance of any writ and/or. any other appropriate writ, order or direction to respondent to hand-over peaceful, vacant, physical possession of the parcel of the subject land that belongs to the petitioner and to allow the petitioner to construct/reconstruct the plot as per rules; And

C. Pass an order of issuance of any writ and/or any other appropriate writ, order or direction to respondent to obeying the order of court of Shri P D Jarwal Sub Judge Delhi dated 17.11.1989 in suit no. 88 of 1985; And

D. Pass an order against respondent for grant of compensation to the petitioner on account of mental harassment and social reputation loss;”

2. The petitioner relies upon the the judgment of the civil court dated 17.11.1989 in a suit between one Mr. Govind Singh and Mr. Ved Prakash, to which the Municipal Corporation of Delhi [“MCD”] was also a party. According to Ms. Pratima Lakra, learned counsel for the petitioner, the evidence of MCD in the said case established



that the property No. B-13, Labour Chowk, Payare Lal Kapahi Marg, Majlis Park, Delhi (“subject property”) was the property of Mr. Ved Prakash from whose son, the petitioner herein purchased the subject property in the year 1999.

3. Prima facie, I do not find the evidence of the officials of MCD recorded in the said judgment, to clearly establish that subject property was the property of Mr. Ved Prakash. In any event, I am prima facie of the view that the petitioner would be required to establish his title and right to possession of the subject property in appropriate civil proceedings, rather than in a writ petition.

4. In the status report filed by MCD; it is contended that as per the layout plan, the subject property is the part of “Right of Way” within the possession/management of MCD. Reliance is placed on a communication of the Town Planning Department dated 05.06.2008, in which it is stated that grills were fitted on the subject property, but were uprooted by an unknown person and a complaint was lodged.

5. At this stage, Ms. Lakra submits that MCD has taken possession of the subject property without notice or compliance with the rules of natural justice, although the petitioner was in possession from 1999 onwards. No such ground has been taken in the writ petition. Further, despite the fact that possession was apparently was taken in the year 2018, the writ petition has been filed only in January 2023. A representation was made to MCD also only in the year 2022.

6. At the very least, it appears to me that the questions raised in this writ petition are disputed on facts, and is required to be adjudicated in civil proceedings. There is also considerable delay in filing of the writ petition between 2018 and 2023, which makes grant of relief with regard to title and possession of an immovable property inapposite in writ proceedings.

7. Ms. Lakra seeks time to take instructions.

8. List on 12.02.2025.”

(Emphasis Supplied)

5. Perusal of the aforesaid order clearly shows that the petitioner herein has raised disputed questions of facts with regard to the possession and title of the land in question.

6. This Court takes note of the Status Report dated 15th May, 2024, filed on behalf of the MCD, relevant portions of which, read as under:



“xxx xxx xxx

4. That at the outset it is submitted that as per layout plan the subject property is part of “Right of Way” of the Road and is lying within possession/ management of answering respondent. The Copy of layout plan is enclosed herewith and marked as **Annexure ‘A’**

5. That as per letter issued by Town Planning Department on dated 05.06.2008 the said plot/ land is part of Right of Way. The copy of aforesaid letter / noting dated 05.06.2008 is attached herewith and marked as **Annexure ‘B’**

6. That as per the letter issued by the Town Planning Department vide number TP/G/892 dated 23.05.2018 on



the request of the Engineering Department, the said plot / land falls in ROW of the existing road the copy of the letter is enclosed herewith and marked as **Annexure 'C'**

7. That the petitioner have falsely claimed that the subject property is built up property however, it is vacant land, in this regard the photograph of subject property is enclosed herewith and marked as **Annexure 'D'**

8. That with respect to subject property, answering respondent had filed a writ in the Delhi High court against the Central Bank of India and Petitioner, which was listed on 07.03.2018. The Hon'ble Court has disposed off the petition with liberty to the petitioner/ MCD to approach the Dept Recovery Tribunal accordingly the answering respondent/ MCD approached to DRT vide S.A. No. 206 of 2018 titled as North Delhi Municipal Corporation Vs. Central Bank of India to set aside the judgment and decree dated 10.01.2018 passed by Hon'ble Court of Sh. Gagan Deep Singh CMM North Rohini and currently the matter is pending before DRT.

7. Reading of the aforesaid Status Report on behalf of the MCD shows that it is the categorical stand of the MCD that the subject property is part of right of way and within the possession and management of the MCD.

8. At this stage, learned counsel for the petitioner draws the attention of this Court to the Judgment dated 17th November, 1989 passed in *Suit No. 88/85* titled as *Shri Govind Singh S/o Shri Jagan Nath Singh Versus Sh. Ved*



Prakash H.C. and Municipal Corporation of Delhi.

9. By referring to the aforesaid judgment, learned counsel for the petitioner submits that the subject land belongs to the petitioner herein.

10. However, the aforesaid fact is disputed by learned counsel for the MCD, who submits that the aforesaid judgment does not pertain to the property, which is the subject matter of the present writ petition.

11. Thus, learned counsel for the MCD submits that the aforesaid judgment cannot be relied upon as the same pertains to some other plot.

12. Accordingly, it is clear that there are disputed questions of facts involved and the same cannot be decided by this Court in writ jurisdiction.

13. In case, the petitioner is aggrieved by any action of the MCD, as averred in the present writ petition, the petitioner is at liberty to seek appropriate civil remedies.

14. With the aforesaid directions, the present writ petition is accordingly, disposed of.

MINI PUSHKARNA, J

SEPTEMBER 25, 2025/au