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

+ W.P.(C) 3065/2021 & CM APPL. 9288/2021

DES RAM & ORS.

.....Petitioners

Through: Ms. Smita Maan, Advocate.

versus

GAON SABHA AMBERHAI & ORS.

.....Respondents

Through: Ms. Sweety Singh, Advocate for
R-1 and 2.

Mr. Rajiv Shukla, Ms. Shivani
Kapoor, Mr. Sanjay Kumar,
Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.01.2025

1. The petitioners have filed this writ petition seeking a direction to respondent No. 3 – Delhi Development Authority [“DDA”] to “*revert back the paper possession*” of certain immovable properties, which has been handed over to the Delhi Development Authority [“DDA”] by respondent No. 1 – Gaon Sabha, Village - Amberhai. The land has been identified in the prayer clause as “*admeasuring 49 bighas 12 biswas comprised in Khasra No. 25//17 (3-16), 25//18 (4-16), 25//19 (4-16), 25//20 (2-00), 26//1 (3-17), 26//2 (4-04), 26//3 (4-04), 26//7/1(4-05), 26//8 (4-16), 26//14 (4-16), 26//15 (4-16), 30//11/1 (2-08) and 30//12/3min (0-18) in the Revenue Estate of Village – Amberhai, New Delhi*” (“subject land”).



2. The case of the petitioners is that they are the owners of the subject lands, which was private land in their ownership and possession. Upon urbanisation of the Village, they contended that the said lands were wrongly shown as “Gaon Sabha land” and therefore paper possession thereof was transferred to the DDA. Ms. Smita Maan, learned counsel for the petitioners, draws my attention to the “*paper possession proceedings*” dated 30.09.2003 in this regard. She submits that subsequently, the Gaon Sabha, through the Block Development Officer, South West, addressed a letter dated 08.07.2005 to DDA stating that the abovementioned land was “*wrongly handed over [to] the DDA*” and that the land was under litigation in the civil Court and in this Court.

3. The DDA, by its letter dated 16.02.2010, has stated as follows:

“The land in Khasra No. 25//17 measuring 3 Bighas and 16 Biswas was also handed over to DDA alongwith other Kh. Nos. mentioned above for which a Writ No.638/05 was filed before the Hon'ble High Court by Sh. Ram S/o Late Sh. Kesho Ram Rio Village Amberhai praying for not to make any transfer entry of the land in the name of DDA. In the said Writ DDA was also defendant no.4. In the said case, the Hon'ble High Court had directed to respondent no.3 (DC/SW) vide order dated 17.01.2005 to grant a hearing to the petitioner and pass a speaking order as the DDA was also defendant in the said Writ Petition and is still interested party in land measuring 3 Bigha 16 Biswas out of Khasra No.25//17. We had sent several letters dated 15.09.2005, 01.12.2005, 23.01.2006, 28.08.2006, 17.01.2007, 13.02.2007 and 25.04.2007 to ADM (SW) to intimate us about the outcome of the direction of the Hon'ble High Court dated 17.01.2005, but nothing has been heard in this regards so far.

It is therefore, requested that we may be apprised of the orders passed in compliance of the directions of the Hon'ble High Court in Writ Petition No.638/2005, so that a suitable action can be taken in the matter by this department.”

4. Before this Court, respondent Nos. 1 and 2 have filed brief submissions, in which it is admitted that the subject lands mentioned



above were transferred to the DDA by mistake.

5. In the counter affidavit filed by the DDA, DDA has only referred to its communication dated 16.02.2010, and has stated that DDA was not party to any civil proceedings under which the petitioners claim title to the land.

6. Having heard learned counsel for the parties, I am of the view that the appropriate course, in the facts of this case, would be to direct restoration of *status quo ante* as far as the paper possession is concerned, without deciding any question of title or physical possession, which are the subject matter of separate civil proceedings. The fact that paper possession was wrongly handed over by Government of NCT of Delhi [“GNCTD”] to DDA is the admitted position of GNCTD. DDA also does not contest the same substantively, but is apprehensive with regard to the rights of the petitioners over the said lands.

7. Ms. Maan candidly states that the question of the petitioners’ title and possession are the subject matter of civil proceedings, some of which have already culminated in orders in their favour, and some of which remain pending. In these circumstances, she states that the petitioners would be satisfied with an order in the above terms.

8. In view of the above, the writ petition, alongwith pending application, is disposed of with the direction that *status quo ante* be restored, in respect of paper possession of the land in question, which, according to GNCTD was wrongly handed over to DDA. Necessary action will be taken by the respondents within the next four weeks.

9. It is made clear that this order only intended to reverse a mistaken entry and not to decide any disputed question of title or possession. The



rights and contentions of all parties in this regard are left open.

10. By order dated 16.03.2021, the respondents were directed to maintain *status quo* with regard to title and possession of the land. Until the present order is implemented by the respondents, the interim order dated 16.03.2021 will continue to bind the parties.

PRATEEK JALAN, J

JANUARY 21, 2025

“Bhupi”/AL/