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

+ **W.P.(C) 3992/2025 & CM APPL. 18557/2025**

MOHD MUSTAFA

.....Petitioner

Through: Mr. M.M. Kashyap and Ms. Poonam
Seth, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Shobhana Takiar, SC for DDA
with Mr. Kuljeet Singh, Mr. Prateek
Dhir and Mr. Shivam Takiar, Advs.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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01.04.2025

1. The present petition has been filed under Article 226 of the Constitution of India seeking the following relief:

i. to give direction to the respondent DDA not to seal or demolish the property measuring 334 sq yds out of total Land Area measuring 1530 sq yds out of Khasra No. 677 situated in Village Bhalswa, Jahangirpur abadi known as Shardhanand Colony, Bhalswa Dairy, Delhi-42.

ii. to give direction to the respondent DDA not to take any punitive action against the property of the petitioner measuring 334 sq yds out of total Land Area measuring 1530 sq yds out of Khasra No. 677 situated in Village Bhalswa, Jahangirpur abadi known as Shardhanand Colony, Bhalswa Dairy, Delhi-42.

2. Mr. M.M. Kashyap, the learned counsel for the petitioner submits that the DDA/respondent has passed the impugned order dated 24.02.2025



calling upon the petitioner to vacate the structure within a period of 05 days and in the event, the petitioner fails to comply with the same, lock will be broken and the structure will be demolished as per the Delhi Development Act, 1957 (for short, 'the Act').

3. He submits that the petitioner had purchased the constructed property and the construction on the land in question has not been raised by him.

4. He further submits that the petitioner is covered by the Delhi Laws (Special Provisions) Act, 2006 which was extended by the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011 and thereafter extended up to 31.12.2026.

5. The petition is opposed by Ms. Shobhana Takiar, the learned Standing Counsel for the respondent/DDA. She submits that prior to passing of impugned order, a show cause notice was given to the petitioner on 22.01.2025 which was not responded to by the petitioner and accordingly, the impugned order dated 24.02.2025 came to be passed.

6. She further submits that the petitioner has alternative efficacious statutory remedy under Section 31C of the Act and the petitioner may challenge the impugned order dated 24.02.2025 before the learned Appellate Tribunal.

7. Faced with this situation, Mr. Kashyap, seeks to withdraw the present petition with liberty to approach the learned Appellate Tribunal. He, however, contends that protection for four weeks may be granted to the petitioner for approaching the said Tribunal.

8. In view of the above, the petition is dismissed as withdrawn with liberty to the petitioner to approach the learned Appellate Tribunal. It is further directed that no coercive action be taken against the present



petitioner for the period of four weeks from today.

9. The grant of any interim protection after expiration of period of four weeks will be considered by the learned Appellate Tribunal on its own merits.

10. The petition is disposed of in the above terms.

VIKAS MAHAJAN, J

APRIL 1, 2025/dss