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

+ **W.P.(C) 4184/2025**

KAPIL & ORS.

.....Petitioners

Through: **Mr. Dharamvir Singh, Advocate.**

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: **Mr. Raghvendra Upadhayay, Panel Counsel with Ms. Purnima Jain, Advocate for GNCTD.**

Mr. Mukesh Gupta, Ms. Shashi Gupta, Mr. Arnav Gupta and Ms. Sucheta Sharma, Advocates for MCD.

Ms. Shobhana Takiar, SC for DDA with Mr. Kuljeet Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 02.05.2025

CM APPL. 26099/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL. 26098/2025 (recalling the order dated 02.04.2025) &

W.P.(C) 4184/2025

1. The writ petitioners have filed this application for recall of an order dated 02.04.2025, by which the writ petition was disposed of in the following terms:

“3. The petitioners have filed this writ petition for a direction upon the



respondent No. 1- Government of National Capital Territory of Delhi [“GNCTD”], to dispose of their representation dated 30.12.2020 within a time-bound period.

4. The representation concerns the demarcation of a property claimed by the petitioners (Khasra No. 860/1 min (2-18) in two parts (0-8) & (2- 10) and Khasra No. 239 situated at Revenue Estate of Village Dera Mandi, Delhi- 110047) and restraining the demolition of their house. The petitioners have also submitted several reminders but they state that the issue has not yet been decided.

5. Without entering into the merits of the controversy, learned counsel for GNCTD submits that the representation of the petitioners will be decided within the next six weeks.

6. Learned counsel for the petitioners does not seek any further orders in the writ petition.

7. The writ petition is disposed of, leaving the rights and contentions of the parties open for adjudication in appropriate proceedings, if the need arises.”

2. In the recall application, it is stated that despite the pendency of the representation in terms of the said order, Delhi Development Authority [“DDA”] is proceeding in terms of a demolition notice dated 28.03.2025.

3. The petitioners, therefore, seek an additional direction that *status-quo* be maintained until the representation is decided.

4. Having regard to this submission, with the consent of learned counsel for the parties, the order dated 02.04.2025, is recalled, to the extent that the writ petition was disposed of without any directions, which would operate during the pendency of the representation.

5. I have heard, Mr. Dharamvir Singh, learned counsel for the petitioner, Mr. Raghvendra Upadhayay, learned counsel for respondent No. 1 – Government of National Capital Territory of Delhi, and Ms. Shobhana Takiar, learned Standing Counsel for DDA.

6. Mr. Upadhayay states that the representation, in terms of the order dated 02.04.2025, has been received by the Sub Divisional Magistrate



and will be decided within the period granted by the Court.

7. I am of the view that implementation of any demolition order during the pendency of the representation, would defeat the purpose of the exercise. The parties are, therefore, directed to maintain *status quo* with regard to the nature, character, title and possession of the land in question, during the pendency of the representation.

8. The writ petition is accordingly disposed of.

9. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

MAY 2, 2025

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