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

+ **W.P.(C) 6557/2020 & CM APPL. 22935/2020**

**DEWAN AND SONS INVESTMENTS PRIVATE
LIMITED**

.....Petitioner

Through: Mr. Sanjeev Mahajan, Mr. Pranjal
Tandon and Ms. Simran Rao,
Advocates.

versus

**LAND AND DEVELOPMENT OFFICER
& ANR.**

.....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Arnav Mittal, Advocate for R1.
Mr. Bhupendra Pratap Singh, Mr.
Ashish Singh and Mr. Anurag
Kumar, Advocates for R-2/NDMC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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13.05.2025

1. The writ petitioner has filed this petition under Article 226 of the Constitution, with regard to actions taken by the respondent in respect of Premises No. G-39, Connaught Place, New Delhi (also known as Plot No. 6, Block G, Connaught Circus, New Delhi. It seeks the following reliefs.

(a) *Issue a writ of certiorari or any other writ, order or direction quashing the notice No. L&DO/L-1-9/G(7)/2001/285 dated 06.03.2020 of Respondent No.1 and notice dated 11.08.2020 and 27.07.2020 of Respondent No.2 all seeking to re-enter the abovesaid property;*

(b) *Issue a writ of certiorari or any other, order or directions quashing any notice / proceedings arising out of the demand dated 24.10.1990 which has been declared as void in terms of*



the judgement dated 14.12.2005 passed in W.P.(C) No. 319 of 1992 titled 'M/s Dewan & Sons Investments (P) Ltd. Vs Land Development Office & Anr;

(c) Pass such other and further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. As far as prayer (a) of the writ petition is concerned, the impugned notices dated 06.03.2020 [issued by the Land and Development Officer ("L&DO")] and 27.07.2020 and 11.08.2020 [issued by New Delhi Municipal Council ("NDMC")], all refer to directions of the Monitoring Committee constituted by the Supreme Court in WP (C) 4677/1985 [*M.C. Mehta vs. Union of India and Ors.*] [hereinafter, "*M.C. Mehta*"]. By orders dated 15.12.2017, 07.09.2018, 27.11.2018, and 28.01.2019, passed in the same case, the Supreme Court has made it clear that the High Court ought not to exercise jurisdiction against the directions of the Monitoring Committee. In the order dated 28.01.2019, the Supreme Court has restrained this Court "*to entertain any petition in connection with the matters relating to the Monitoring Committee, as these matters are to be heard by this Court only*". Further, by order dated 13.09.2022, the Supreme Court has constituted a Judicial Committee to entertain appeals against orders of the Monitoring Committee.

3. Ms. Nidhi Raman, learned Central Government Standing Counsel, who appears on behalf of L&DO draws my attention to an averment made in CM APPL No. 28329/2021, which had been filed by the petitioner for early hearing of the present writ petition. It was stated therein that the notices being challenged were also the subject matter of the writ petitions filed by other co-owners of the premises, being W.P.(C)



7746/2020, W.P.(C) 7726/2020, W.P.(C) 7838/2020, and W.P.(C) 4188/2020. She has produced orders dated 01.12.2021, 03.12.2021, 04.12.2021, and 23.05.2022, respectively, whereby the said writ petitions have been withdrawn with liberty to approach the Monitoring Committee.

4. Mr. Sanjeev Mahajan, learned counsel for the petitioner, however, submits that in the present case, the Supreme Court, by an order dated 20.05.2020, has also specifically held that the determination of charges payable by the petitioner in respect of alleged unauthorised construction and misuse of the property would have to be determined by this Court in W.P.(C) 4353/2022. The order of the Court reads as follows:

“Notice which is accepted by learned counsel on behalf of the Monitoring Committee. On hearing learned counsels, it transpires that on account of a lis between the applicant and the L&DO on determination of charges payable, the matter is pending consideration before the Delhi High Court being W.P.(C) No.4353/2022. The re-entry by L&DO is what can be really called a paper entry. We thus, consider appropriate to await the decision of the Delhi High Court on the issue of the charges to be paid. Whatever is the final adjudication of the charges would have to be paid by the applicant failing which only the issue of re-entry order operating would arise. The interim protection for the petitioner would continue to enure till there is final adjudication of the aforesaid issue. The application stands disposed of.”

5. The contention of Mr. Mahajan is thus, that the impugned orders, insofar as they contemplate re-entry into the premises, are contrary to the orders of the Supreme Court, as W.P.(C) 4353/2022 remains pending in this Court.

6. In view of the jurisdictional bar on the exercise of writ jurisdiction in respect of orders of the Monitoring Committee, however, this contention may be raised before the appropriate forum. As far as prayer



(a) is concerned, therefore, the petitioner is at liberty to agitate its grievances, if necessary, before the appropriate forum in accordance with law, as it may be advised.

7. Prayer (b) relates to action purported to be taken by the respondent pursuant to a demand notice dated 24.10.1990. The said notice was predicated upon alleged additional construction in the premises and sought payment of conversion charges and damages for unauthorised construction. The terms and conditions upon which the L&DO would withdraw the re-entry notice were made out in the said communication.

8. The order dated 24.10.1990 was challenged by the writ petitioner in W.P.(C) 319/1992, which was disposed of by order dated 14.12.2005. The Court noted that the L&DO had issued revised guidelines for computation of charges on 11.01.1995 and had signified its willingness to revise the demand upon the petitioner in terms of the revised guidelines. In view of the above, the Court directed as follows:

“11. In view of the pleadings of the petitioner and the respondent as noted above, since L&DO has itself conveyed willingness to act in terms of the revised guidelines issued on 11.1.1995 and the petitioner has agrees to clear the demand in terms of the notification dated 11.1.1995 writ petition stands disposed of declaring that the demand raised upon the petitioner vide Annexure P-1 shall not be enforced, against the petitioner. The demand is declared to be void. Needless to state, on the respondent raising a fresh demand in terms of the revised policy dated 11.1.1995 and on the petitioner paying as per the demand, the necessary conversion would be given effect to.

12. Learned counsel for the petitioner wants one caveat to be recorded. It is hereby recorded that if the petitioner has a grievance that the demand raised is not in conformity with the revised guidelines dated 11.1.1995, it would be open to the petitioner to question the demand limited to the issue that the same does not conform to the revised



guidelines dated 11.1.1995.”

9. Pursuant to this order, the L&DO has issued a revised Demand Notice dated 20.07.2021, which is the subject matter of challenge in W.P.(C) 4353/2022.

10. Ms. Raman submits that the action taken or to be taken by the L&DO now flows from the orders of the Monitoring Committee, and/or the demand notice dated 20.07.2021, as the accepted position is that the original Demand Notice dated 24.10.1990 has been set aside by this Court.

11. In view of the above submission, the writ petition, alongwith the pending application, is disposed of, leaving the petitioner to its alternative remedies, if necessary, as far as prayer (a) is concerned, and without prejudice to the rights and contentions of the parties in W.P.(C) 4353/2022, which is directed against the notice of the L&DO dated 20.07.2021.

PRATEEK JALAN, J

MAY 13, 2025
UK/KB/JM/