



\$~76

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

+ W.P.(C) 5709/2025

SH. JAI PRAKASH AND ORS

.....Petitioners

Through: Mr. Prashant Singh and Mr. Sushil  
Kumar, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Manashwy Jha, Panel Counsel  
(Civil) for GNCTD.  
SI Kushank, P.S.: Swaroop Nagar.  
Mr. Subhash Tanwar, CGSC with  
Ms. Bhavi Garg and Mr. Naveen,  
Advocates for R-2.  
Ms. Mrinalini Sen, Standing  
Counsel with Ms. Rima Rao and  
Ms. Lucy C., Advocates for DDA.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **01.05.2025**

**CM APPL. 26037/2025 (for exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**W.P.(C) 5709/2025**

1. The petitioners have filed this writ petition for a direction upon the respondents not to obstruct or interfere in their construction of a boundary wall around land comprising in *Khasra No. 130/2 (4-01) total admeasuring 4 bigha 1 biswa situated in the village Ibrahimpur Delhi*, of which they claim to be the Bhumidhars.

*This is a digitally signed order.*

*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*

*The Order is downloaded from the DHC Server on 03/05/2025 at 15:25:03*



2. It appears from the contents of the writ petition that the Gaon Sabha first filed proceedings under the Delhi Reforms Act, 1954, which culminated in an order of the Financial Commissioner dated 04.09.2001 in favour of the petitioners. The petitioners thereafter instituted a civil suit against the Government of National Capital Territory of Delhi [“GNCTD”] for an injunction against dispossession.

3. By a decree dated 28.03.2013, GNCTD was enjoined from dispossessing the petitioner-plaintiffs without due process of law.

4. Despite these orders in the petitioners’ favour, it is stated that the police authorities have stopped them from constructing a wall around their land. The police authorities are represented and learned counsel states that this has been done on a complaint of the Horticulture Department, GNCTD. The Horticulture Department has, however, not issued any notice to the petitioners herein, apprising them of the basis of its complaint or the statutory authority under which action was proposed.

5. It is now contended by learned counsel for GNCTD that the village in question has, in fact, been urbanised and the land has been handed over to the Delhi Development Authority [“DDA”].

6. If any of the statutory authorities wish to restraint the petitioners from constructing a wall around the property which they claim ownership, the basis of such an objection must, at the very least, be disclosed to the petitioners so that they can clarify the position or take appropriate remedies.

7. In my view, the appropriate course would be to direct that the concerned Sub-Divisional Magistrate/Station House Officer to hold a joint meeting with the representatives of the petitioners, Horticulture

*This is a digitally signed order.*

*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*

*The Order is downloaded from the DHC Server on 03/05/2025 at 15:25:03*



Department, and DDA, so that the petitioners can clarify their claim of ownership.

8. If the authorities consider that the petitioners are not permitted to construct the boundary wall, they will inform them about the grounds upon which such a course is proposed. The meeting be held within two weeks from today and necessary directions be issued within one week thereafter.

9. The petition is disposed of, leaving the rights and remedies of the petitioners open.

**PRATEEK JALAN, J**

**MAY 1, 2025**

*UK/JM/*

*This is a digitally signed order.*

*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*

*The Order is downloaded from the DHC Server on 03/05/2025 at 15:25:03*