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

+ W.P.(C) 9215/2023

HASAN

.....Petitioner

Through: Mr. Naushad Ahmed Khan, Ms.
Seema Thapliyal, Mr. Shubham
Sharma and Ms. Jannat Yamin,
Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Avni Singh, Panel Counsel for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.05.2025

CM APPL. 28569/2025 (for stay) & W.P.(C) 9215/2023

1. The petitioner has filed CM APPL. 28569/2025 for stay of an undated notice affixed on the property claimed by him, by which it is stated that encroachment on the land in question would be removed within five days. It is stated in the application that the notice was affixed on the property on 05.05.2025.
2. Upon hearing learned counsel for the parties, I find that the writ petition itself can be disposed of at this stage. The writ petition is therefore taken up for consideration.
3. The petitioner claims to be a resident of a premises situated in *Khasra No.19 in Badarpur Kadhar Rural Village, Delhi*. In the writ petition, he has relied upon a *Jamabandi*, stated to have been recorded in the year 1953-54, in which the land in question is stated to be a land of

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“*Joint Muslim Community*”. It is the petitioner’s contention that his family has been in possession of a part of the land since a period even prior to the recording of the *Jamabandi*.

4. The challenge in the writ petition is to a notice dated 14.06.2023, issued by the respondents, under Section 86A of the Delhi Land Reforms Act, 1954 [“the Act”], by which the Sub-Divisional Magistrate came to the conclusion that 7 *bighas* 10 *biswa* of land in *Khasra No.19* is Gram Sabha Land, and that the petitioner herein has encroached upon some part of the said land. The petitioner was directed to vacate the land within a period of four weeks.

5. Notice was issued in the writ petition on 20.07.2023, when the submission of learned counsel for Government of National Capital Territory of Delhi [“GNCTD”] was recorded, that no action had been initiated pursuant to the order dated 14.06.2023, and that the petitioner has an alternative remedy under the Act, before the District Collector and then before the Financial Commissioner. In view of the aforesaid submissions on behalf of GNCTD, the petitioner’s request for interim relief was declined, but he was permitted to file an appropriate application in the event of any imminent threat in that regard.

6. A plea, regarding the petitioner’s alternative remedy, has also been taken in the counter affidavit filed by GNCTD on 30.10.2023. Time was thereafter granted for filing of the rejoinder on 31.10.2023, 15.02.2024, 30.04.2024, 23.07.2024, 31.07.2024 and 09.04.2025. The time of four weeks, granted by the order dated 09.04.2025, has also lapsed, but no rejoinder has been filed for more than 18 months.

7. While the petitioner has filed CM APPL. 28569/2025 to challenge



the recent notice affixed on his property, it may be noted that the question of the petitioner's alternative remedy thus remains uncontested.

8. In view of the fact that the petitioner's claims involve disputed question as to his rights over the property in question, I am of the view that the appropriate course is to relegate the petitioner to the remedy admittedly available under Sections 168 and 169 of the Act.

9. As far as interim relief is concerned, subject to the petitioner filing an appeal before the Deputy Commissioner, under Section 168 of the Act, within a period of two weeks from today, the parties are directed to maintain *status-quo* qua the petitioner, with regard to the land in question for a period of six weeks from today. The petitioner may also file an application for interim relief before the Deputy Commissioner. The Deputy Commissioner is directed to pass necessary orders, at least on the interim relief, in accordance with law, before the expiry of the aforesaid period.

10. The aforesaid order of *status-quo* binds both parties and covers the construction and use of the premises, as well as title and possession of the land in question.

11. The writ petition stands disposed of.

12. Next date of hearing, i.e. 28.08.2025, stands cancelled.

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

PRATEEK JALAN, J

MAY 9, 2025/SS/AD/