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

+ **W.P.(C) 6251/2025**

HARI PRAKASH SAINI AND ORSPetitioners
Through: Mr. N. Prabhakar, Mr. Uday
Sharma, Advocates.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Rakesh Kumar, CGSC with
Mr. Sunil, Advocate for UoI.
Mr. Sanjay Kumar Pathak, Ms.
Kiran Pathak, Mr. Sunil Kumar
Jha, Mr. M.S. Akhtar, Advocates
for R-2 and 3.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **09.05.2025**

CM APPL. 28540/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 6251/2025

1. The petitioners, claiming to be 40 out of 51 legal heirs of the late Shri Ganga Sahai, have filed this petition under Article 226 of the Constitution, for a direction upon the respondent No. 2—Assistant Settlement Commissioner, Government of National Capital Territory of Delhi, to hand over possession of 31.5 Bighas of land in the village Badarpur Majra, Burari, Delhi, [“subject land”]. According to the



petitioners, this land is their share out of land originally allotted to late Shri Ganga Sahai.

2. The matter has travelled to this Court on earlier occasions with regard to eviction of unauthorised occupants from the lands claimed by the petitioners. The issue, at this stage, however, is that the respondent authorities have allegedly not handed over possession of the lands to the petitioners. The respondents, by a decision dated 21.03.2023, referred to alternative claims over some part of the share in the subject land, and noted that the share of each of the legal heirs of late Shri Ganga Sahai has not been decided. The Assistant Settlement Commissioner required probate or Letters of Administration to be submitted, as claims of some of the petitioners were partially dependent upon testamentary bequests.

3. It is contended on behalf of the petitioners, that such a requirement of probate or Letter of Administration is contrary to the legal position prevailing in Delhi. Further, it is submitted that after the said order, the petitioners have made a detailed representation, alongwith documentary support, to the respondents on 18.12.2024, asserting their claims and placing the chain of documents, which establish their status as heirs of late Shir Ganga Sahai.

4. I am of the view that the question of the petitioners' claims to the subject land in question would require to be established conclusively in civil proceedings, rather than by way of a writ petition under Article 226 of the Constitution. Several questions of fact would require determination on evidence, particularly as the petitioners are evidently claiming through a chain of inheritance going back three generations.

5. Be that as it may, at this stage, Mr. N. Prabhakar, learned counsel



for the petitioners, seeks a limited direction that the respondents dispose of their representation dated 18.12.2024 by way of a speaking order. In the event the petitioners are nonetheless required to prove their title, he submits that they will take appropriate civil remedies at that stage.

6. Having regard to this submission, the writ petition is disposed of with a direction upon the respondent No. 2 to examine the documents annexed to the petitioners' representation dated 18.12.2024 (which have not been placed on record in this writ petition, but apparently have been submitted to the respondent) and pass an order within eight weeks from today.

7. The petitioners will be free to take appropriate civil remedies, if necessary, thereafter.

PRATEEK JALAN, J

MAY 9, 2025

'Bhupi/JM'/'