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

+ W.P.(C) 9957/2023 and CM APPL. 61035/2023, CM APPL. 61036/2023, CM APPL. 40012/2025

MAHENDER SINGH

.....Petitioner

Through: Mr. Prabhat Ranjan, Advocate.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Tushar Sannu & Mr. Aman Kumar, Advocates for R-1 & 3.

Ms. Richa Dhawan & Mr. Anuj Chaturvedi, DUSIB/R-2

Mr. V.P. Rana, Mr. Nirmalya Shukla, Mr. Siddarth Shankar &

Ms. Bhawana, Advocates for Application [CM APPL.

61035/2023]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.07.2025

1. By way of this writ petition under Article 226 of the Constitution, the petitioner claims to be the owner in possession of the land measuring 1 Kila, under *Khasra No. 469 Village Bhalaswa Jahagir Pur, Delhi-110033*. He seeks directions against respondent No. 1 - Government of National Capital of Delhi ["GNCTD"] and respondent No. 2 - Delhi Urban Shelter Improvement Board ["DUSIB"] to remove alleged encroachment upon Government land situated at Khasra Nos. 459, 470 and 473 in the same locality.



2. It is stated by Mr. Prabhat Ranjan, learned counsel for the petitioner, that the land in question belongs to DUSIB, but the petitioner has a right of passage through the said land, to access his land.
3. The petitioner's claim of easementary rights over the passage are disputed by DUSIB. Mr. Anuj Chaturvedi, learned counsel for DUSIB, also states that the petitioner has filed a civil suit [C.S. No. 202/2020], which remains pending before the Civil Court, District North, Rohini. In the said suit, the petitioner has claimed a declaration that an area of 12 metres between Khasra Nos. 474 and 475 is a passage/road. He claims a right to use the said passage to access his property, which is the same property, as is the subject matter of the present writ petition. Copies of the plaint and orders passed therein are handed over by Mr. Chaturvedi, and are taken on record.
4. After some hearing, Mr. Ranjan seeks permission to withdraw this writ petition, with liberty to institute appropriate proceedings to establish his alleged right of easement.
5. The writ petition is dismissed as withdrawn, with liberty as aforesaid. All pending applications also stand disposed of.

PRATEEK JALAN, J

JULY 10, 2025

'pv'/AD/