



\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 10802/2020, CM APPLs 33863/2020, 51318/2022

SHABAN KHAN & ORS.

.....Petitioners

Through: Ms. Neha Kapoor, Advocate.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Shashti Pratap Singh, Advocate
for respondent nos. 2 and 9.

Ms. Latika Malhotra, Advocate for
DDA.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

25.04.2025

1. By way of present writ petition filed under Article 226/227 of the Constitution of India, the petitioners seek the following relief:

"a) Allow the present petition and pass a writ of mandamus directing the respondent no. 2 to mutate and demarcate the subject property admeasuring 3 Bigha and 10 Biswa of Khasra no. 315, Village Pul Pehladpur, New Delhi and partition the same to the extent of 4/5" share of the petitioners together by metes and bounds;

b) Pass an order directing the respondents no.4-8 to maintain status quo qua the title and possession of the subject property and restrain the said respondents from creating any third party interest in the subject property;

... "

2. Learned counsel for respondents have raised a preliminary objection as to the maintainability of the present petition. Learned counsel further submits that the land in question i.e., khasra No. 315 of Village Pul



Pehladpur is notified as reserve forest land which cannot be utilised for residential purpose and as such, the present petition is not maintainable.

3. During the course of submissions, learned counsel for the petitioners, upon instructions, states that at this stage she would be satisfied in case the petitioners' application(s) filed before the concerned SDM on 10.11.2017, are considered and disposed of in accordance with law.

4. In view of the above, without going into the merits including on the maintainability of the instant petition and without prejudice to the other rights and contentions of the parties, the petition along with pending applications is disposed with the directions that the aforesaid application(s) filed by the petitioners before the concerned SDM shall be disposed of in accordance with law.

5. Needless to state that in case the petitioners still remain aggrieved, it shall be open for the petitioners to seek remedy in accordance with law.

MANOJ KUMAR OHRI, J

APRIL 25, 2025/rd