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

+ **W.P.(C) 12338/2023 & CM APPL. 48583/2023**

AMRIK SINGH RATHI AND ORS

.....Petitioners

Through: Ms. Smita Mann, Mr. Vishal Maan
and Mr. Kartik Dabas, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Raghvendra Upadhyay, Panel
Counsel for GNCTD.

Mr. Ashutosh Kaushik, Panel Counsel
with Mr. Yash Sharma, Mr. Aakash
Mohan and Mr. Gautam Yadav,
Advs. for DDA.

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+ **W.P.(C) 15080/2023 & CM APPL. 60220/2023**

DALBEER SINGH

.....Petitioner

Through: Ms. Smita Mann, Mr. Vishal Maan
and Mr. Kartik Dabas, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Sumit K Batra and Ms. Priyanka
Jindal, Advs for GNCTD.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER
11.11.2025

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1. These two petitions are being disposed of and the facts involved are similar. For convenience, the facts are being taken from W.P.(C) 12338/2023.
2. This petition (W.P.(C) 12338/2023) is filed with prayer:-



“Issue an appropriate writ order or direction in the nature of prohibition restraining the respondents from forcibly dispossessing the petitioners and/or interfering in the peaceful actual physical possession of the petitioners and/or carrying out any demolition in respect of the property of the petitioners bearing plot no. S-39 ad-measuring 600 sq. yards, comprised in khasra no. 86/1, situated in the revenue estate of village Rajpur Khurd, Tehsil Mehrauli, New Delhi presently known as unauthorised colony of Hargovind Enclave, Rajpur Khurd, New Delhi 110068.”

3. The facts as pleaded are that the petitioners own plot no.S-39 measuring 600 sq. yards, situated in khasra no.86/1 in village Rajpur Khurd, Tehsil Mehrauli, New Delhi. The plot is part of the unauthorized colony named ‘Hargovind Enclave’ and finds mention in the list of unauthorized colonies issued by the authorities and comes under the ambit of PM Uday Yojna. It is alleged that as per respondent no.3/DDA, the land is Acquired Land, attempts were made to dispossess the petitioners and for carrying out the demolition.

4. During the pendency of this petition, the parties were directed to maintain status quo.

5. Learned counsel for the petitioners submits that the dispossession of petitioners and the demolition to be carried out by the authorities are in violation of principle of natural justice. The respondents are forcibly trying to dispossess the petitioners from the land owned by them. The submission is that there is no right, title or interest of respondents in the property in question and have no authority to interfere in possession of the petitioners. It is contended that the colony is included in the list of authorized colonies and the issue of regularization is pending.

6. Learned counsel for the respondents submits that in case there is an unauthorized construction on the land in question and in case there is no



impediment to remove it or in absence of protection to the petitioners under any Act, due procedure as prescribed by law would be followed before proceeding further for demolition.

7. This writ petition is filed on an apprehension. There is not even an iota of evidence, apart from a bald statement in the petition that the respondents are proceeding to dispossess the petitioners or demolish the boundary wall of the land in question. There are disputed question of facts involved. The petitioners claim to be owner of the plot whereas as per respondent no.3/DDA, the land was acquired. Be that as it may and in view of the submissions of the learned counsel for the respondents that proceeding if any, shall be initiated in accordance with law, no further directions are called for and the writ petition is accordingly disposed of.

8. It is clarified that there is no expression of opinion by this court either on the title of the land; nature of the land and the enactments governing the land in question.

9. Needless to say that, in case a cause of action arises, the petitioners shall be at liberty to avail remedies in accordance with law.

AVNEESH JHINGAN, J

NOVEMBER 11, 2025
Ch