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

+ W.P.(C) 8776/2025 & CM APPL. 37480/2025

SHRI RAJ KUMAR & ORS.

.....Petitioners

Through: Mr. Anand Yadav, Mr. Mohit Verma & Ms. Anita Tomar, Advocates. [M:-9810126454]

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Kameshwar Nath Mishra, SPC with Ms. Manisha, Ms. Vidya Mishra, Advocates & Mr. Sarvesh P. Shrivastava, GP for R-1. Mr. Manashwy Jha, Panel Counsel (Civil), GNCTD with Mr. Kshitiz K. Rai, Advocate for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.08.2025

1. This writ petition has been filed under Article 226 of the Constitution, for the following reliefs:

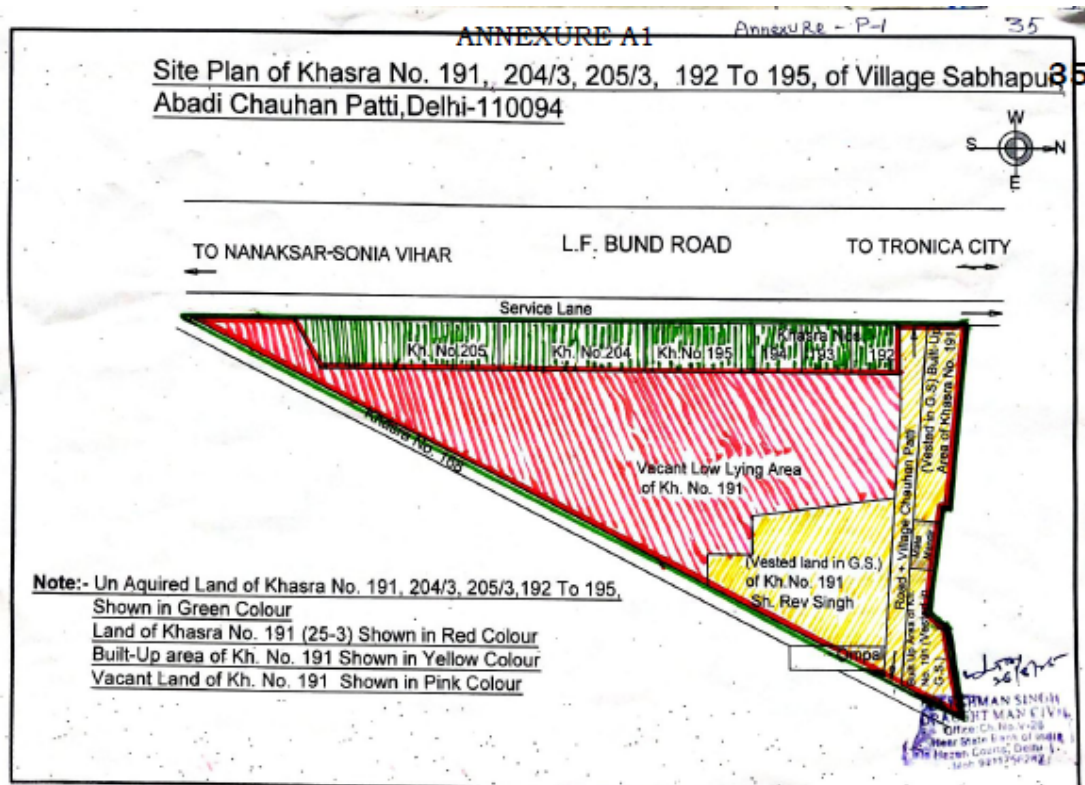
“a) Quash and set aside notice dated 20.05.2025 issued by SDM (Karawal Nagar) or any demarcation carried out by the order of the SDM or anyone else and demarcation report, if any prepared by the Respondents.

b) Directing the Respondents or its officials not to interfere in the peaceful possession of the Petitioners and not to dispossess the Petitioners from the land owned and possessed by them comprising in Khasra No.191 (13-0), Khasra No. 192 (0-6), Khasra No. 195 (2-9), Khasra No.204(1-11), Khasra No.205(3-6) situated in the revenue estate of Village Sabhapur Shahdara, Delhi.”

2. The petition concerns the petitioners' possession of approximately 13 Bighas of land falling in *Khasra No.191 (13-0)*, and approximately 6 Bighas of land in *Khasra No. 192 (0-6), Khasra No. 195 (2-9), Khasra No.204 (1-11), Khasra No.205 (3-6), Village Sabhapur, Abadi Chauhan Patti, Delhi-110094* [“the subject land”].



3. The subject land is shown in green and pink in the following site map, which is annexed to the writ petition as Annexure P-1: -



4. By an order dated 14.08.2025, it was directed as follows:-
1. Mr. Manashwy Jha, learned Panel Counsel (Civil) for the Government of National Capital Territory of Delhi ["GNCTD"], seeks further time to file counter affidavit. This is the third opportunity sought for that purpose.
 2. Mr. Jha submits, on instructions, that the land in question is under acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ["the 2013 Act"]. He states, on instructions from Mr. Varun Sharma, Tehsildar, Karawal Nagar, that the acquisition proceedings are pending at the stage of issuance of a notification under Section 11 of the 2013 Act.
 3. Mr. Anand Yadav, learned counsel for the petitioners, submits that there are no acquisition proceedings in respect of the subject land, which is in the petitioners' possession.
 4. Without entering into that controversy, it appears to me *prima facie* that, even if acquisition proceedings are pending, the stage of taking possession has not yet been reached. It is only after issuance of a notification under Section 11 of the 2013 Act, that the question of taking possession would arise, after affected persons have had the opportunity to raise objections.



5. *Mr. Jha does not rely upon any other ground to justify interference with the petitioners' possession at present.*
6. *In these circumstances, I am prima facie of the view that the writ petition can be disposed of, with the direction that status quo as to the petitioners' possession of the subject land will be maintained, except in the event of action taken at the appropriate stage under the 2013 Act or in exercise of any other lawful authority.*
7. *Mr. Jha is directed to place on record, by way of an affidavit, any other ground on which the respondents contend they are entitled to interfere with the petitioners' possession of the subject land.*
8. *Counter affidavit be filed within one week from today, failing which the concerned Sub-Divisional Magistrate is directed to remain present in Court on the next date of hearing, along with the relevant records.*
9. *It is clarified that the observations in this order are not to be construed as expressing any opinion on the validity of any proposed proceedings under the 2013 Act.*
10. *The interim directions contained in the order dated 15.07.2025 will continue until the next date of hearing*
11. *List on 26.08.2025."*

5. Mr. Manashwy Jha, learned Panel Counsel (Civil) for the Government of National Capital Territory of Delhi, submits, upon instructions, that no affidavit has been filed, and the writ petition may be disposed of in terms of paragraph 6 of order dated 14.08.2025.

6. The writ petition is therefore disposed of with the direction that *status quo* will be maintained in respect of petitioner's possession of the subject land, except in the event of action taken at the appropriate stage under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, or in exercise of any other lawful activity.

PRATEEK JALAN, J

AUGUST 26, 2025
'pv/AD'/