



2025:DHC:10213



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 17<sup>th</sup> November, 2025**+ **W.P.(C) 11410/2025 & CM APPL. 65466/2025, CM APPL. 71590/2025, CM APPL. 71591/2025****AZIDUL HOQUE & ORS.**

.....Petitioners

Through: Mr. Abhik Chimni, Ms. Pranjal Abral,  
Mr. Gurupal Singh, Mr. Ayan Das  
Gupta and Ms. Moksha Sharma,  
Advs.

Mob: 9971830490

Email:

[chamberofabhikchimni@gmail.com](mailto:chamberofabhikchimni@gmail.com)

versus

**BSES RAJDHANI POWER LTD & ANR.**

.....Respondents

Through: Mr. Buddy Ranganadhan, Sr.Adv.  
with Mr. Anupam Varma, Mr. Nikhil  
Sharma and Ms. S. Akshata, Advs.

Mob: 8340462840

Email: [akshata.sharma@jsalaw.com](mailto:akshata.sharma@jsalaw.com)  
& [nikhil.sharma@jsalaw.com](mailto:nikhil.sharma@jsalaw.com)Mr. Deepak Dahiya and Mr.  
Dharmender Dahiya, Advs. for  
Applicants/Land Owners (Through  
VC)

Mob: 9560233456

Email: [info@legalimperials.com](mailto:info@legalimperials.com)Mr. Bhagabati Prasad Padhy, Adv. for  
proposed applicant/respondent

Mob: 9350209833

Email: [bhagabati\\_pp@yahoo.com](mailto:bhagabati_pp@yahoo.com)Mr. Arvind Kumar Gupta, Mr.  
Abhiesumat Gupta, Mr. Ishan  
Parashar and Mr. Arun Bhattacharya,  
Advs. for impleaders/applicants.



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Mob: 9811088800

Email: [arvindguptaadv@yahoo.co.in](mailto:arvindguptaadv@yahoo.co.in)**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL)**

1. The present writ petition has been filed seeking to set aside the Letters dated 21<sup>st</sup> July, 2025 and 29<sup>th</sup> July, 2025, issued by respondent no. 1, i.e., BSES Rajdhani Power Limited.
2. By way of the present writ petition, the petitioners seek electricity connection in their Jhuggi Jhopri ("JJ") Cluster situated at *Jai Hind Camp, near Masoodpur Village, Vasant Kunj*, which has been denied to the petitioners on the ground of lack of ownership proof of the premises occupied by them.
3. Learned counsel appearing for the petitioners draws the attention of this Court to the list of 675 JJ Clusters, identified by the Delhi Urban Shelter Improvement Board ("DUSIB"), to submit that at *Serial No. 189, Jai Hind Camp, near Masoodpur Village, Vasant Kunj*, has been recognized as one of the 675 identified JJ Clusters. He further relies upon the identity cards issued by the Election Commission of India ("ECI"), to submit that the petitioners have Electors Photo Identity Cards issued by the ECI in different years *viz.* 2017, 2018 and 2019, respectively. He, thus, submits that the petitioners are *bona fide* residents of the JJ Cluster in question, and are thus, entitled for electricity connection.
4. During the course of arguments, it has come to the fore that three suits had been filed with respect to various parcels of land in village Masoodpur, Vasant Kunj, which is also claimed by the petitioners. All the three suits have been decreed in favour of the plaintiffs therein. Thus, the following



judgments and decrees have been passed:

- I. Judgment and decree dated 05<sup>th</sup> July, 2018 passed in *CS No. 57983/2016*, titled as “*Sailesh Kumar & Ors. Vs. Shri Sanaullah Miah & Ors.*”, by Patiala House District Court.
- II. Judgment and decree dated 12<sup>th</sup> February, 2020 passed in *Civil Suit No. 57058/2016*, titled as “*Sailesh Kumar & Ors. Vs. Jamna & Ors.*”, by Patiala House District Court.
- III. Judgment and decree dated 14<sup>th</sup> May, 2024 passed in *Civil Suit No. 56914/2016*, titled as “*Sailesh Kumar & Ors. Vs. Chief Executive Officer, BSES Rajdhani Power Limited & Ors.*”, by Patiala House District Court.
5. The aforesaid judgment and decree dated 12<sup>th</sup> February, 2020 passed in *Civil Suit No. 57058/2016*, titled as “*Sailesh Kumar & Ors. Vs. Jamna & Ors.*”, by Patiala House District Court, pertains also to the land, which is occupied by the petitioners herein. However, as per learned counsel appearing for the petitioners, the petitioners were never made a party to the said suit and thus, the aforesaid judgment and decree has wrongly been passed. He further submits that an appeal has also been filed against the said judgment and decree, by the petitioners herein.
6. Learned counsel appearing for the petitioners draws the attention of this Court to an order dated 19<sup>th</sup> July, 2025, passed in *CS 26-25*, titled as “*Azidul Hoque & Ors. Vs. Shailesh Kumar and Ors.*”, passed by the Court of District Judge-04, Patiala House Courts, New Delhi, which order is reproduced as under:



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IN THE COURT OF MR. SATYABRATA PANDA, DJ-04,  
PATIALA HOUSE COURTS, NEW DELHI

CS 26-25

Azidul Hoque & Ors. Vs. Shailesh Kumar And Ors.  
19.07.2025

File in the suit has been received by transfer vide order dated  
18.07.2025 passed by the Ld. Principal District & Sessions Judge  
(Officiating), New Delhi District, Patiala House Courts.

Present: Sh. Abhik Channa, Ld. Counsel for appellants  
through VC.  
Sh. Rishabh Gupta, Ld. Counsel for appellants.

The appellants have filed the present appeal u/s 96  
CPC challenging the judgment and decree dated 12.02.2020 passed  
by Ld. Trial Court.

Heard. Record perused.

Let notice in the appeal be issued to the respondents  
on filing of PF/RC and speed post. Appellants to take steps.

Ld. Counsel for the appellants has submitted that till  
the next date of hearing, the impugned decree for possession may  
be stayed otherwise the appellants would suffer irreparable damage.

Till the NDOH, the execution of the impugned  
judgment is stayed.

Copy of this order be given *dasti*.

Let TCR be requisitioned by the NDOH.

Relist for further proceedings on date already fixed i.e.  
on 08.08.2025.

(SATYABRATA PANDA)  
District Judge-04  
Judge Code- DL01057  
PHC/New Delhi/19.07.2025

7. By referring to the aforesaid order, learned counsel appearing for the petitioners submits that the execution of the judgment and decree dated 12<sup>th</sup> February, 2020, in CS 57058/2016, titled as "*Sailesh Kumar & Ors. Versus Jamna & Ors.*", has been stayed by the District Judge.

8. Learned counsel appearing for the petitioners also relies upon the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017, ("Electricity Regulations, 2017") and in particular, relies upon Regulation 10(3)(ix), to submit that in cases where the persons are *bona fide* consumers residing in JJ clusters or in other areas with



no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as the proof of occupancy of the premises. Thus, it is submitted that the ground of lack of ownership proof for not granting electricity connection to the petitioners, in the impugned letters, is fallacious.

9. Learned counsel appearing for the petitioners relies upon the judgment in the case of ***Dilip (Dead) through LRs. Versus Satish and Others, 2022 SCC OnLine SC 810***, and in particular, relies upon Paragraphs 5 and 9, which are reproduced as under:

“xxx xxx xxx

*5. It is not necessary for this Court to go into the details of how the ownership of the said premises devolved on the Appellant. Suffice it to mention that the Respondent No. 1 and his mother filed a petition under Section 17 of the Hyderabad Rent Control Act in the Court of the Rent Controller, Aurangabad, seeking directions on the Appellant to provide electricity connection at the said shop.*

xxx xxx xxx

*9. It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. **Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.***

xxx xxx xxx”

(Emphasis Supplied)

10. Learned counsel appearing for the petitioners also relies upon the judgment in the case of ***Real Anchors Projects LLP and Others Versus NCT of Delhi and Others, 2023 SCC OnLine Del 114***, and in particular, relies upon Paragraphs 2, 6 and 8, which are reproduced as under:

“xxx xxx xxx

2. **Learned counsel appearing for the petitioners submits that**



**petitioner Nos. 2 and 3 are the partners at petitioner No. 1-firm. It is submitted that respondent No. 3 is the owner of the subject premises and had initially granted lease hold rights to the petitioners upon the said property for residential purpose for a period of 03 years vide 'Rent Agreement' dated 10.07.2018, which was later extended upto 27.05.2021. Later, disputes arose between the parties and respondent No. 3 filed a civil suit being CS 203/2022 against the petitioners, inter alia, seeking possession of the subject premises, which is pending adjudication before the concerned Court.**

xxx xxx xxx

6. There is no gainsaying that electricity is an essential service, of which a person cannot be deprived without cogent, lawful reason. **It is well-settled that even if disputes exist as to ownership of the property at which an electricity connection is sought, the concerned authorities cannot deprive the legal occupant thereof by insisting that an NOC be furnished from others who also claim to be owners.** Under a similar circumstance, where a request for supply of electricity connection was declined to a tenant by the authorities, the Supreme Court in Dilip (Dead) through Lrs. v. Satish, Criminal Appeal No. 810/2022 observed as under:-

“It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.

xxx

The impugned order cannot be sustained and the same is set aside.

The appeal is, accordingly, allowed.

Pending applications, if any, shall stand disposed of.

It is however made clear that electricity supply granted, shall not be discontinued, subject to compliance by the Respondents of the terms and conditions of supply of electricity by the electricity department including payment of charges for the same.”

xxx xxx xxx

8. **It is clarified that this order is without prejudice to the rights and**



*contentions of the parties and shall not be construed as recognizing rights of any nature whatsoever, including either the tenancy or possessory rights of the petitioners with respect to the subject premises. The observations made hereinabove are prima facie and without prejudice to the dispute pending between the petitioners and respondent No. 3. It is clarified that no special equities shall flow in favour of the petitioners on account of this Court.*

xxx xxx xxx”

(Emphasis Supplied)

11. Thus, it is submitted that the petitioners herein are entitled for grant of a fresh electricity connection.

12. *Per contra*, learned Senior Counsel appearing for respondent no. 1-BSES Rajdhani Power Limited submits that the impugned Letters are not rejection letters, but only deficiency letters, wherein, deficiency has been intimated by the respondent no. 1 to the petitioners.

13. He further relies upon the aforesaid Electricity Regulations, 2017, as relied upon by the petitioners, to submit that in the present case, proof of ownership would be necessary, since it has come to the fore that the area in question is a private land, and not a DUSIB land. For this purpose, he relies upon the judgment and decree dated 12<sup>th</sup> February, 2020, to submit that there is a decree against the petitioners in the present writ, wherein, there is a clear finding that the land in question is a private land.

14. At this stage, learned counsel appearing for the applicants in *CM APPL. 71590/2025*, has handed over to this Court, documents with respect to the proceedings before the Trial Court in the aforesaid suit, which are taken on record.

15. Learned counsel appearing for the applicants in *CM APPL. 71590/2025*, relies upon the affidavit of DUSIB to submit that it is the clear stand of the DUSIB that the land in question is a private land, and does not



fall within the jurisdiction of DUSIB.

16. Learned counsel appearing for the applicants in *CM APPL. 71590/2025* further submits that the aforesaid facts have also been taken note of by the Executing Court. He further submits that their application for impleadment be allowed, as they are the actual owners of the land in question and that there is a judgment and decree dated 12<sup>th</sup> February, 2020 in their favour.

17. Having heard learned counsels appearing for the parties and having perused the record, this Court takes note of the submissions made by learned counsel appearing for the applicants in *CM APPL. 71590/2025*, for their impleadment as respondent nos. 3 to 5, on the ground that the said applicants are the actual owners of the land in question and that there is a judgment and decree dated 12<sup>th</sup> February, 2020, in their favour. It is also to be noted that Execution Petition being *EX. No. 176/2021*, titled as “*Shailesh Kumar and Ors. Versus Islam and Ors.*” is also pending, having been filed by the said applicants.

18. Considering the submissions made before this Court and considering the fact that there is a judgment and decree in favour of the applicants in their favour recognizing their rights over the land in question, this Court considers it imperative to implead the applicants in *CM APPL. 71590/2025*.

19. Accordingly, the applicants in *CM APPL. 71590/2025*, are impleaded as respondent nos. 3 to 5, in the present writ petition. Let amended Memo of Parties be filed within a period of one week, from today. With the aforesaid directions, the application, *CM APPL. 71590/2025*, is accordingly disposed of.

20. This Court notes that the premise on which the present writ petition



has been filed is that the petitioners are *bona fide* residents of the JJ Cluster in question, which is duly notified by the DUSIB.

21. This Court notes that though *Jai Hind Camp, near Masoodpur Village, Vasant Kunj*, where the petitioners are stated to be residing, is part of a notified JJ Cluster, however, the land in question on which the petitioners are residing, is not part of any JJ Cluster. The said land in question has been recognized by DUSIB itself, as private land. The submissions made on behalf of DUSIB, as filed before the Executing Court, are reproduced as under:

“  
**IN THE COURT OF MS. SHEETAL CHAUDHARY PRADHAN,  
SCJ-CUM-RC, PATIALA HOUSE COURTS, NEW DELHI,**

Execution No- 613/2018

IN

CS NO- 57983/2016

IN THE MATTER OF:

Sailash Kumar & Ors

Decree Holder

Versus

Sanaullah & Ors

Judgment Debtors

Next date 21/4/23

**SUBMISSIONS ON BEHALF OF THE DUSIB AS PER THE  
DIRECTION/ ORDER VIDE DATED 17.03.2023 OF THE  
HON'BLE COURT.**

Most Respectfully Showeth:

1. That the abovesaid execution petition is pending adjudication before this Hon'ble court and is fixed for clarification from DUSIB.
2. That as per the inspection done by the Engineer Division of the DUSIB it reveals that the suit property does not fall under the jurisdiction of the DUSIB. The said suit property is the private land and DUSIB is the Govt. Organization and therefore the govt. organization cannot do anything on private land/property.



- 28 -

The DUSIB has no authority to remove all the jhuggis constructed on the suit property.

3. That the DUSIB is a Statutory Board constituted in terms of the provisions contained in '*The Delhi Urban Shelter Improvement Board Act, 2010*' (Delhi Act 07/2010) which is an enactment of the Legislative Assembly of the National Capital Territory of Delhi.
4. That the DUSIB Act contains definition of the term "Jhuggi" and "Jhuggi Jhopri Basties" in Sections 2(f) and 2(g) respectively. Pertinently, on 24.06.2005, the legislative assembly of Delhi approved the amendment to Section 2(g) of the DUSIB Act thereby amending the date of 31.03.2002 to 01.01.2006. However, same was reserved for assent of the Hon'ble President of India and has ultimately been published in official Gazette only on 05.10.2020.
5. That vide Section 10 of the aforesaid DUSIB Act, the DUSIB has been empowered to prepare a scheme of removal of "*Jhuggi Jhopri Basties*" and re-settlement of the residents thereof with the prior consultation with the government. However, in terms of the Proviso to Sub-Section (3) of Section 10 of the Act, where any "*Jhuggi Jhopri Basties*" is situated on the land belonging to the Central Government or any of its organization, the Process of the removal and re-settlement is to be undertaken with the prior consent of the



Central Government or the concerned organization. Hence, there is no binding obligation on the Central Government or any of its Organization for removal and/or re-settlement of "Jhuggi Jhopri Basties" situated on land belonging to them to be carried out by the DUSIB.

6. That in case of Jhuggi Jhopri colonies existing in lands belonging to Central Government/Agencies like Railways, Delhi Development Authority, Land & Development Office, Delhi Cantonment Board, New Delhi Municipal Council etc. the respective agency may either carry out the relocation/rehabilitation themselves as per the policy of the Delhi Government or may entrust the job to the DUSIB.
7. That as per the clause 2(i) of the Rehabilitation Policy-2015, issued vide order dated 11.12.2017 and renamed later on as Mukhya Mantri Awas Yojna, Jhuggi Jhopri Bastis which have come up before 01.01.2006 and the Jhuggis which have come up in such Jhuggi Jhopri Bastis before 01.01.2015 shall not be demolished without providing alternate housing.
8. That as per the clause 2(v), of the Rehabilitation Policy-2015, issued vide order dated 11.12.2017 and renamed later on as Mukhya Mantri Awas Yojna, the Land Owning Agency will not demolish any JJ Basti which is eligible as per para 2(i) above unless :



1. There is any court order.
  2. That basti has encroached a street, road, footpath, Railway safety zone, or a park.
  3. The encroached land is required by LOA for specific public project as envisaged in the NCT of Delhi Laws (Special provisions) Second Act, 2011 which is extremely urgent and can't wait.
9. That, therefore, the aforesaid 675 JJ Clusters are such which qualify the definition of Section 2 (g) and which are situated on the land belonging to the different Government Department or Agencies. The aforesaid list has been notified for the knowledge of general public and all concerned by publishing the same on the website of DUSIB. Additionally, the DUSIB proposes to publish the aforesaid 675 JJ Clusters in the official Gazette and, in this respect, process is already on.
10. That as per protocol, the LOA will send a proposal for removal of the jhuggis and JJ basti to DUSIB with proper justification satisfying the conditions mentioned in the policy sufficiently in advance, along with the commitment to make payment of the cost of rehabilitation.
11. That in the circumstances, where the 'Land Owning Agency' brings the proposal before DUSIB, and DUSIB approves the same, the Land Owning Agency shall pay such amount to



DUSIB in advance, which meets: (i) Cost of construction of alternative dwelling units, (ii) Cost of land- which will be on "institutional Rate at which DUSIB has purchased the land, (iii) Cost of relocation. However, the beneficiary contribution as well as the contribution made by the Govt. of India, if any towards the cost of construction of dwelling units, will be deducted from the aforementioned cost of rehabilitation.

THROUGH

DUSIB

Executive Engineer C-4, DUSIB  
Govt. of NCT of Delhi  
FIRST FLOOR, OFFICE CUM SHOPPING COMPLEX,  
New Ranjeet Nagar, New Delhi-110008

DELHI: 21/4/23  
DATED

( MEENAKSHI ADOCAT )

Off: Flat no-76, Aurbindo Apartments  
Aurbindo Marg, Adchini, New Delhi-17  
Mobile- 9810589773, 9582376030



IN THE COURT OF MS. SHEETAL CHAUDHARY PRADHAN,  
SCJ-CUM-RC, PATIALA HOUSE COURTS, NEW DELHI,

Execution No- 613/2018

IN

CS NO- 57983/2016

IN THE MATTER OF:

Sailash Kumar & Ors

Decree Holder

Versus

Sanaullah & Ors

Judgment Debtors

**AFFIDAVIT**

I, Ved Pal Meena, S/O Sh. D.S. Meena, aged about 52 Years  
working as Executive Engineer (C4), Delhi Urban Shelter  
Improvement Board, Govt. of NCT of Delhi, Head Office at  
Punarwas Bhawan, I.P. Estate, New Delhi- 110002, do  
hereby solemnly affirm and declare as under:-

1. That the deponent is working with DUSIB in above  
mentioned case.

That the submissions made by the Deponent on behalf of  
the DUSIB are true and correct to the best of my  
knowledge. The contents of accompanying reply have  
been drafted by my counsel upon my instructions. The  
same have been read over and explained to me in





vernacular language. The same may be read as part and parcel of this affidavit.

3. That the submissions have not been repeated herein for the sake of brevity and the same be read as part and parcel of this affidavit.

has signed in my presence

**VERIFICATION:**

12/1 APR 2023

Verified at New Delhi on this \_\_\_\_\_ that contents of above affidavit are true to my knowledge and nothing material has been concealed there from.

Executive Engineer C-4, DUSIB  
Govt. of NCT of Delhi  
FIRST FLOOR, OFFICE CUM SHOPPING COMPLEX,  
New Ranjeet Nagar, New Delhi-110003

Solemnly sworn before me read  
over & explained to the deponent  
Admitted to be correct

Joint Commissioner, New Delhi

12/1 APR 2023

DEPONENT

Executive Engineer C-4, DUSIB  
Govt. of NCT of Delhi  
FIRST FLOOR, OFFICE CUM SHOPPING COMPLEX,  
New Ranjeet Nagar, New Delhi-110003



22. Perusal of the aforesaid submissions/affidavit filed on behalf of the DUSIB clearly shows that the land in question, which is the subject matter of the present proceedings, has been stated to be private land by the DUSIB. Thus, the land, which is claimed by the petitioners, cannot be considered to be part of a JJ Cluster.

23. This Court further takes note of the Electricity Regulations, 2017, relevant portions of which, are reproduced as under:

“xxx xxx xxx

**“10. New and Existing Connections:-**

**(1) General:-**

xxx xxx xxx

**(3) Proof of ownership or occupancy of the premises:-**

*Any of the following documents shall be accepted as the proof of ownership or occupancy of premises:-*

- (i) certified copy of title deed;*
- (ii) certified copy of registered conveyance deed;*
- (iii) General Power of Attorney (GPA);*
- (iv) allotment letter/possession letter;*
- (v) valid lease agreement alongwith undertaking that the lease agreement has been signed by the owner or his authorized representative;*
- (vi) rent receipt not earlier than 3 (three) months alongwith undertaking that the rent receipt has been signed by the owner or his authorized representative;*
- (vii) mutation certificate issued by a Government body such as Local Revenue Authorities or Municipal Corporation or land owning agencies like DDA/L&DO;*
- (viii) sub-division agreement;*
- (ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.**

xxx xxx xxx”

*(Emphasis Supplied)*

24. Perusal of the aforesaid Electricity Regulations, 2017, shows that



proof of ownership or occupancy of the premises, is one of the conditions for grant of new and existing connections. It is only in cases where the residents are *bona fide* consumers, residing in JJ Cluster or in other area with no specific municipal address, that ration card or electoral identity card, is also considered and accepted as proof of occupancy of the premises.

25. However, in the present case, it is the clear stand on behalf of the DUSIB that the land in question is private land, and not part of any JJ Cluster. If that be the case, the petitioners herein cannot take benefit of Regulation 10(3)(ix) of the Electricity Regulations, 2017, and insist only upon submitting their Election ID Card as proof, instead of ownership documents.

26. This Court also takes note of the fact that there is a valid judgment and decree dated 12<sup>th</sup> February, 2020, passed by a Court of law, wherein, decree of possession has been passed in favour of the private respondents, i.e., newly impleaded respondent nos. 3 to 5 herein, thereby recognizing their private right over the land in question. Though appeals are stated to be pending against the said judgment and decree, however, this Court takes note of the submissions made by the learned counsel appearing for the newly impleaded respondent nos. 3 to 5 before this Court, that there is no stay with regard to the said judgment and decree dated 12<sup>th</sup> February, 2020.

27. Relevant portions of the judgment dated 12<sup>th</sup> February, 2020, passed by the ASCJ, Patiala House Courts, New Delhi, in CS 57058/2016, titled as “*Sailesh Kumar & Ors. Versus Jamna & Ors.*”, is reproduced as under:

*“1. In brief, case of the plaintiffs is that they are owners of the land admeasuring 29 bigha and 13 biswa in Khasra No.68, 84 and 85 Village Masoodpur, Vasant Kunj, New Delhi. The plaintiff no.1 to 3 have 1/4th portion i.e. 7 bigha and 8 biswa, plaintiffs no.4 to 7 have 1/48th portion i.e. 12 biswa, plaintiffs no.8 and 9 have 1/48th portion*



i.e. 12 biswa, plaintiffs no.10 to 15 have 1/48th portion i.e. 12 biswa, plaintiffs no.16 to 30 have 1/4th portion i.e. 7 bigha and 8 biswa in the said land. The names of the plaintiffs have been duly recorded in the Khatoni since 1984-85 till 2014. The suit land was in CS No.57058/16 Shailesh Kumar & Ors. Vs. Jamna & Ors. Page no.12 of 16 possession of the plaintiffs and same was being cultivated individually with other co-owners prior to vesting of the land in Goan Sabha in 2004. Village Masoodpur was urbanized vide notification under Section 507 of the DMC Act, 1957 bearing no.TCO-82-47 dated 23.04.1982. The land of Village Masoodpur was acquired by Government in 1980 for DDA, however, the land of the plaintiffs in the aforesaid khasra numbers were left out from the said acquisition.

xxx xxx xxx

10. The plaintiffs have filed the revenue records in the form of Khatoni of Village Masoodpur, Vasant Kunj regarding Khasra no.68, 84 & 85 in support of their claim of ownership over the suit property. A perusal of the Khatoni Ex.PW1/2 substantiate the fact that name of the plaintiffs reflects in the column of Khatedar. After the order dated 04.02.2004 was set aside by the Deputy Commissioner, the plaintiffs have already applied for the mutation of CS No.57058/16 Shailesh Kumar & Ors. Vs. Jamna & Ors. Page no.15 of 16 their names in the revenue records. All the evidence presented by the plaintiffs support their claim of ownership over the suit property and same is well documented. The plaintiffs have filed their complaints with police and other authorities regarding the illegal possession of the defendants over the suit property. The defendants have not been able to produce any evidence to contradict or rebut the evidence presented by the plaintiffs. The documents presented by plaintiffs remained uncontroverted and unimpeached. The averments made in the plaint have been duly proved by way of documentary evidence. The evidence is suggestive of fact that plaintiffs are the owners of the suit property of their respective shares as per the plaint and documents and defendants have no right, title or interest in the suit property. The possession of the defendants over the suit property is illegal. Accordingly, the suit of the plaintiffs is decreed and plaintiffs are entitled for decree of mandatory injunction against the defendants. The defendants are directed to vacate the suit property and hand over the possession of the suit property to the plaintiffs. Decree sheet be prepared accordingly. File be consigned to Record Room after due compliance.

xxx xxx xxx''

(Emphasis Supplied)



28. This Court takes note of the submissions made before it that the stay order dated 19<sup>th</sup> July, 2025, as relied on behalf of the petitioners, was subsequently vacated, and that there is no stay pending in favour of the petitioners.

29. Thus, it is manifest that there is a valid judgment and decree in favour of respondent nos. 3 to 5, wherein, the said land has been recognized as private land and rights of respondent nos. 3 to 5 herein, have been recognized over the said land. In view of the discussion hereinabove, the petitioners are not residents of a notified JJ Cluster, and there is a judgment and decree, which recognizes the rights of respondent nos. 3 to 5 over the said land. Though an appeal by the petitioners against the said judgment and decree is pending, however, there is no stay in favour of the petitioners. Accordingly, when the occupation of the petitioners is not recognized as legal and rights with respect to the said land have been recognized to be vested in respondent nos. 3 to 5 by a court of law, there is no occasion for this Court to grant any relief in favour of the petitioners for grant of an electricity connection.

30. The judgments, as relied upon by the petitioners, are clearly distinguishable and do not apply to the fact and circumstances of the present case. The aforesaid judgments pertain to case of tenants/lessees, who had validly been put into possession of the premises in question. Subsequently, disputes had arisen between the actual owner and the tenant/lessee. It was in those circumstances that prayers of the said tenant/lessee for grant of electricity connection were found to be feasible, and were accordingly granted in the said judgments. However, in the present case, the petitioners are not tenants/lessees, but rank encroachers, in view of the findings in the



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judgment and decree dated 12<sup>th</sup> February, 2020, which recognizes the rights of the respondent nos. 3 to 5 herein over the land in question, which has been recognized as private land.

31. Considering the submissions made before this Court, no merit is found in the present writ petition.

32. Accordingly, the present writ petition is dismissed. The pending applications also stand disposed of.

33. Next date of 22<sup>nd</sup> January, 2026, stands cancelled.

**MINI PUSHKARNA, J**

**NOVEMBER 17, 2025/SK**