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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17873/2024 and CM APPL.76085/2024

HARISH CHAND AND ORS.

.....Petitioners

Through: Mr. Anuroop and Mr. Gaurav
Bidhuri, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Sanjay Kumar Pathak, SC, Mr.
Sunil Kumar Jha and Mr. M.S.
Akhtar, Advs. for R-1.
Ms. Chand Chpra and Ms. Anshika
Prakash, Advs. for R-2.
Ms. Mala Narayan, Mr. Shashwat
Goel and Ms. Anjali Dhingra, Advs.
for R-3.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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27.11.2025

1. The present petition has been filed by the petitioners seeking the following prayers:-

*“A. issue a a Writ, Order or direction in the nature of praying for a Writ, Order or Direction in the nature of Mandamus directing the respondent to remove the illegal encroachment on the land of the petitioners more specifically to remove board/ sign board erected / placed and the mettaled road laid down by respondent no. 3 on Khasra No.116/93/1/1/5
B. AND further issue a a Writ, Order or direction in the nature of praying for a Writ, Order or Direction in the nature of Mandamus restraining the respondents, its officials, contractors, workmen from interfering in the actual peaceful physical possession of the petitioner over the land comprised in Khasra No. 116/93/1/1/3 in all measuring 12 biswas situated in the revenue estate of village Yusuf Sarai (Now Known As Aurbindo Marg), New Delhi.
ii. The Hon Court may pass such other and further order as it deems fit and proper under the facts and circumstances of the case.”*

2. It is stated in the present petition that one Late Pt. Lila Ram, who was the recorded owner of Khasra no. 329/116/93/1 admeasuring 47 Bighas 16



Biswas situated in village Yusuf Sarai, Tehsil Hauz Khas, New Delhi is the predecessor-in-interest of the petitioners.

3. The background of the matter as averred in the present petition is that the Government of India through Land Acquisition Collector under the Land Acquisition Act, 1894 *vide* an award no.1259 dated 31.01.1962 acquired parts of the Khasra no. 329/116/93/1 including land admeasuring 40 Bighas and 10 Biswas and handed over the same to the development agency i.e., respondent no.2/Delhi Development Authority (DDA) for planned development of Delhi.

4. It is submitted that pursuant thereto, a *titamma* was carved out in terms whereof the aforementioned acquired portion (40 Bighas and 10 Biswas) was registered as Khasra no. 116/93/1/1/1 and the unacquired land (which remained under the ownership of Late Pt. Lila Ram) was assigned as Khasra nos. 116/93/1/1/3 (admeasuring 12 Biswas); 116/93/1/1/5 (admeasuring 6 Biswas) and 329/116/93/1/1/6 (admeasuring 1 bigha and 6 Biswas).

5. It is stated that rights in the aforesaid unacquired land by way of succession devolved upon the petitioners whereas the acquired land i.e., khasra no. 116/93/1/1/1, was allotted/offered on a perpetual lease to the respondent no.3/ Indian Oil Corporation (IOL) by the respondent no.2.

6. Learned counsel on behalf of the petitioner submits that the primary grievance of the petitioner is that the respondent no.3 illegally encroached into the land belonging to the petitioners and has unlawfully erected/placed sign board and also constructed a metalled road therein.

7. It is further contended that on the land which is currently in occupation of the respondent no.3 (i.e., khasra no. 116/93/1/1/1) a boundary



wall appears to have been built, which encroaches the land of the petitioners. The same is, however, denied by learned counsel for respondent no.3, who submits that the boundary wall around the land was erected by the respondent no.2 itself, prior to possession thereof being handed over to the respondent no.3.

8. Be that as it may, to resolve the controversy, it is directed that the respondent no.2 shall conduct an inspection of the concerned property in the presence of the representative/s of the petitioners and the respondent no.3 to verify / allay the concerns of the petitioners (i.e., that the land, currently in occupation of the respondent no.3 encroaches upon the land of the petitioners and / or is not part of the land, acquired by the respondent no.2). Let the said inspection be conducted within a period of four weeks from today, under intimation to the petitioners and the respondent no.3.

9. If deemed appropriate/necessary by the respondent no.2, appropriate assistance shall be sought from the respondent no.1. Further, prior to the inspection, the respondent no.1 shall specifically inform the petitioners, respondent nos.2 and 3 as to whether the land of the petitioners, particularly comprising Khasra No.116/93/1/1/3 (admeasuring 12 biswas) has been acquired or not.

10. Let a copy of the inspection report be supplied to the representative/s of the petitioners and the respondent no.3. In case, the petitioners or the respondent no.3 is aggrieved, they shall be at liberty to seek appropriate remedies under law.

11. The petition is disposed of in the above terms.

NOVEMBER 27, 2025/cl

SACHIN DATTA, J