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

+ **CONT.CAS(C) 1904/2025**

**JASWANT SINGH CHAUHAN & ORS. ....Petitioners**

Through: Mr. L.B. Rai, Mr. Satvik Rai, Mr.  
Rohit Kumar Poddar, Mr. Ayush  
Pandit, Mr. Vineesh Tyagi, Mr.  
Krishan Arora, Advs.

versus

**SHRI N SARAVANA KUMAR ....Respondent**

Through: Ms. Prabhsahay Kaur, SC with Mr.  
Birender Singh Gurh, Mr. Aditya  
Verma, Advs. for DDA with Ms.  
Kamleshwari, AD, DDA.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

% **12.12.2025**

1. This hearing has been done through hybrid mode.

**CM APPL. 78636/2025 (exemption)**

2. Allowed, subject to all just exceptions. This application is disposed of.

**CONT.CAS(C) 1904/2025**

3. The present petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, 1950 seeks the following prayers: -

“(a) Pass an appropriate order/ direction for initiating contempt proceedings against the respondent for violating the orders/ directions issued by the Ld. A.D.J. in order / judgment dated 18.11.1995 passed in the appeals No.

(b) Pass an order/ direction directing respondent to appear personally and explain before this Hon'ble Court as to why they



should not be punished for acting in violation of the orders/directions passed by Ld. ADJ in Appeals Nos. PPANo. 354/1995, Sh. Bhure vs. DDA, PPANo. 360/1995, Manohar vs. DDA, PPANo. 353/1995, Chander Pal vs. DDA, PPANo. 355/1995, Sh. Prabhati vs. DDA, PPANo. 352/1995, Hari Singh vs. DDA, PPANo. 357/1995, Hari Singh vs DDA, PPANO. 371/1995, Chaina Ram Vs. DDA.

(c) Pass such or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstance of the case.”

4. Learned counsel appearing on behalf of the petitioners submits that proceedings under P.P. Act (The Public Premises (Eviction of Unauthorised Occupants) Act, 1971) were initiated against the present petitioners and they were evicted. An appeal against the same was allowed by learned ADJ *vide* judgment dated 18.11.1995. It is further submitted that the said judgment was never challenged and thus, has attained finality and, therefore, respondent/DDA cannot take the possession of the property.

5. The averments made on behalf of the petitioners in the present petition are as under: -

“3. That in the year 1991 the respondent DDA issued notice to the fathers/ fore fathers of the petitioners under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 for initiating eviction proceeding against them for taking the possession of the land from the fathers/forefathers of the Petitioners. The estate officer of DDA passed eviction order dated 26.08.1991 against the petitioners wherein the fathers/fore fathers of the petitioners were directed to vacate the land in question.

4. That the fathers/ fore fathers of the Petitioner challenged the order dated 26.08.1991 passed by the estate officer by way of filing appeal before the Appellate Authority. The Appeals filed by the fathers/ fore fathers of the petitioners were allowed by the Appellate Tribunal vide orders dated 18.11.1995. The Ld.



**Appellate Tribunal has set aside the eviction order dated 26.08.1991 passed by the estate officer. Ld. Appellate Tribunal**

has clearly held that the appellants are not encroacher upon the land in question. Ld. Appellate Tribunal has further held that lease granted to the fathers/ fore fathers of the petitioners was not for a fixed period, thus the fathers/ fore father of the petitioners cannot be said to be in unauthorized occupation of the land in question within the meaning of Section 2 (g) of the PP Act.

5. That the respondent DDA has never challenged the order dated 18.11.1995 passed by Sh. S.N. Aggarwal, A.D.J., Delhi. Thus the order dated 18.11.1995 has become final and binding on the parties. Since the respondent DDA not challenged the order dated 18.11.1995 passed by Sh. S.N. Aggarwal ADJ, Delhi in the above mentioned appeals, thus the respondent are not supposed to interfere in the possession of the petitioners.

6. That the respondent are interfering in the possession of the petitioners and are making efforts to somehow dispossess the petitioners from the land in question. The officers of the respondent are deliberately and willingly violating the order dated 18.11.1995 passed by the Ld. Appellate Tribunal. Since the respondent are deliberately violating the order dated 18.11.1995 passed by the Ld. Appellate Tribunal and are trying to dispossess the petitioners from the land in question thus the respondent are committing the contempt of Court for which the officers of the respondent are liable to be punished for committing contempt of the court. A copy of judgment/ order dated 18.11.1995 passed by Sh. S.N. Aggarwal Additional District Judge, Delhi is annexed as **Annexure P-2** for perusal of this Hon'ble Court.

7. That the present petition is being filed bonafide and in the interest of justice. The present petition is within limitation as the respondent has come to take forcible possession of the land of petitioners on 20.07.2025.

8. That petitioners have not filed any other petition for initiating contempt of Court proceeding against respondent for violating order dated 18.11.1995 passed by Sh. S.N. Aggarwal Ld. ADJ, Delhi either before this Hon'ble Court or before any other Courts.”  
(emphasis supplied)



6. *Per contra*, learned counsel appearing on behalf of the respondent/DDA has handed up in the Court today certain judgments related to similarly placed petitioners who were also beneficiaries of the judgment dated 18.11.1995 passed by the learned ADJ, on which counsel seeks to place reliance upon. Reliance has been placed on judgment passed by a Coordinate Bench of this Court in **Chander Bhan v. Delhi Development Authority, 2024: DHC: 5197**, wherein, it has been observed and held as under: -

“2. It is claimed that one Sh. Bhima S/o Late Sh. Harbal was allotted the subject property vide allotment letter dated 01.10.1962 issued by the DDA, in lieu of the acquired land of Sh. Bhima situated in Indraprastha. Thereafter, Sh. Bhima transferred his rights, title, and interest over the subject property in favour of one Sh. Jhamman Lal S/o Late Sh. Ganga Ram executing sale document viz., GPA, Agreement to Sell and Receipt, all dated 03.07.1975, after which Sh. Jhamman Lal transferred the same to the petitioner herein vide GPA, Will, Receipt, all dated 14.06.1995.

3. It is stated that in 1991, when Sh. Jhamman Lal (predecessor in interest) was in possession of the subject property, the DDA had initiated ejectment proceedings under the Public Premises (Eviction of the Unauthorised Occupant) Act, 1971<sup>4</sup>, against Sh. Chaina Ram S/o Late Sh. Bhima (original allottee of the said agricultural land) by way of a Show Cause Notice under Section 4 of the PP Act and thereafter, **an eviction order dated 20.08.1991 was passed against him by the concerned Estate Officer.**

4. Aggrieved thereof, as many as 26 appeals were filed under Section 9 of the PP Act before the Appellate Authority (Learned Additional District Judge, Delhi), challenging the eviction order dated 20.08.1991 passed by the Estate Officer. Out of the said 26 appeals, the appeal bearing P.P. ACT Case No. 371/95 titled “*Sh. Chaina Ram v. DDA*” was filed by Sh. Chaina Ram S/o Late Sh. Bhima (original allottee of the said agricultural land). **The said 26**



**appeals were allowed by the learned Appellate Authority vide a common judgment dated 18.11.1995 and the impugned eviction order dated 20.08.1991 stood quashed.**

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7. Accordingly, the learned Appellate authority quashed the impugned eviction order dated 20.08.1991, on the ground that the procedure of ejectment followed by the Estate Officer was “defective” in as much as the show cause notice dated 30.01.1991 under Section 4 of the PP Act that was served upon the predecessors of the appellants by the DDA was “not valid” and the lease of the predecessors-in-interest was not duly cancelled by the DDA before initiating the eviction proceedings.

8. It is also pleaded by the petitioner that additionally, learned Appellate Authority also held that since the predecessors-in-interest of the appellants were in peaceful and uninterrupted cultivating possession of the said agricultural land for about 30 years, they cannot be said to be in ‘unauthorised occupation’ of the subject property within the meaning of Section 2(g) of the PP Act. Accordingly, the learned Appellate Authority also directed the DDA to restore possession of the said agricultural land to the appellants, if taken, during the pendency of such appeal.

**9. The grievance of the petitioner is that on 21.03.2024, without any prior communication or notice to the petitioner, the officials of the respondent/DDA illegally interfered in the peaceful and lawful possession of the petitioner over the subject property by raising the boundary walls around the land adjacent to the subject as well as around the subject property.**

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17. Be that as it may, a bare perusal of the averments in the writ petition would show that subject property was allotted to the predecessor-in-interest Bhima S/o Mr. Harbal vide letter dated 01.10.1962 for cultivation for a year only ending by 15.06.1963, for which rent was to be deposited @ Rs. 250/-. However, no rent was ever deposited by the predecessor-in-interest and if the



avermment of the petitioner is believed, the subject property was sold by Bhima S/o Mr. Harbal. The predecessor-in-interest of the petitioner, namely Bhima S/o Mr. Harbal had no right, title or interest in the property in question. The plea that the subject property was allotted in lieu of land acquired at Indraprastha Estates is completely misconceived and ill conceived. There is placed on record no document that the predecessor-in-interest was owning any land at Indraprastha Estates from which he was uprooted for construction of Rajghat Power House. Merely, because name of Bhima S/o Mr. Harbal was mentioned in the list of allottees brought out by the respondent vid Serial No. 1 is no conclusive evidence that he was ever given any lease rights in respect of the subject property. By all means, the site was allotted to Mr. Bhima S/o Mr. Harbal on humanitarian grounds for cultivation and evidently, he was allowed to cultivate the subject property thereafter but without any payment of rent.

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25. The above discussion brings to the fore that the petitioner is unable to show the existence of any legal right, title or interest in the subject property. He is also guilty of concealment and misrepresentation of facts, taking self contradictory stands in the present writ as also in another writ bearing W.P. (C) 7135/2019 titled as “*Mangal & Ors. v. UOI & Ors.*”. There is no denying the fact that the subject property falls in „Zone-O“ of the Yamuna floodplains. **This Court has also given detailed reasons in the writ petition bearing W.P. (C) 7135/2019 titled as “Mangal & Ors. v. UOI & Ors.”, which is also being disposed of vide a separate judgment today, setting out the chronological history of directions which have been passed by the Supreme Court, NGT, as well as this Court with regard to removal of unauthorized constructions and encroachments over the Yamuna riverbed, which is required in larger public interest.”**

(emphasis supplied)

7. Learned counsel appearing on behalf of the respondent/DDA points out that the petitioners have already availed of their remedy by way of a writ petition, **W.P.(C) 7046/2025**, which is pending adjudication before the



learned Coordinate Bench of this Court. A perusal of the record would reflect that the present issue involves removal of encroachment on Yamuna river bed and other disputed questions of fact. It is also noted that no document has been placed on record by the petitioners with respect to mode and manner by which the alleged attempt is made by DDA to take forcible possession of the subject property from the petitioners.

8. In these circumstances, the present petition is dismissed with liberty to take appropriate steps as permissible in law with respect to the grievance as addressed hereinbefore.

9. The present petition is disposed of in the aforesaid terms.

10. Pending application(s), if any also stand disposed of.

**AMIT SHARMA, J**

**DECEMBER 12, 2025/kr**