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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 774/2025, CM APPL. 80366/2025 & CM APPL. 80367/2025

M/S ROHTAK ROAD TRANSPORT CENTRE WORKERS
ASSOCIATION REGD.Appellant

Through: Mr. Kapil Yadav, Mr. Ashish Sherawat
and Ms. Anshika Chauhan, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY AND ORSRespondents

Through: Mr. Shashi Pratap Singh, Ms. Shagun
Shabarwal, Mr. Nitai Agarwal and Ms.
Aishwarya Bhatia, Advocates for R-
1/DDA.
Rajesh Kumar Agnihotri, Advocate for
R- 2, 3/GNCTD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
19.12.2025

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1. The present Letters Patent Appeal has been filed challenging the order dated 26.11.2025, passed by the learned Single Judge in W.P.(C) No.17923/2025 titled "*M/s Rohtak Road Transport Centre Workers Association Regd vs. Delhi Development Authority & Ors*", whereby the learned Single Judge dismissed the writ petition on the ground that a civil suit is pending before the learned Trial Court and that the Court should not interfere in the proceedings pending adjudication before the learned Trial Court.

2. Learned counsel appearing for the appellant submits that the learned Single Judge has not appreciated the concern of the appellant which is that the



file which was directed to be maintained in safe custody by the DDA and to be produced as and when directed by the Trial Court has been violated and rendered nugatory since the DDA has taken a contradictory stand that the said file is not traceable. He contends that in a Civil Suit bearing CS No. 322/2018 the learned Trial Court, *vide* order dated 27.04.2023, had directed the DDA to keep the concerned file which would vindicate the stand of the appellant, in safe custody, so that it could be produced before the Court at the time of trial. He states that the DDA by taking a stand now that the file is not traceable, is depriving the appellant of establishing their rights over the suit property. He claims that the contents of the concerned file would be relevant evidence before the learned Trial Court, which shall now not be available on account of such change in the stand of the DDA.

3. We have heard learned counsel for the appellant and are of the considered opinion that the present appeal is bereft of any merits.

4. From the arguments of the appellant it appears that the appellant is seeking to invoke the jurisdiction of the Court under Article 226 of the Constitution of India, 1950, to monitor, supervise and interfere with the proceedings before the Civil Court under the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”). Whether a party produces a record or evidence, or fails to do so, has its own consequences in law. Merely because a party has been directed to produce or keep in custody some relevant record by the Civil Court would not, *ipso facto*, give a right to any of the parties to invoke the writ jurisdiction of the Constitutional Courts. Remedies in the CPC are not only available but also adequate. When such provisions are available in abundance, there is no reason for a writ Court to exercise its purely discretionary jurisdiction.

5. Pertinently, it appears that the learned counsel for the appellant has overlooked the fundamental principle that, for invocation of the discretionary



remedy under the writ jurisdiction of a Constitutional Court, there has to be some violation/infracton of a fundamental right. No such violation has been demonstrated, nor, in the facts as obtaining in the present case, could there at all be a violation of any fundamental right of the appellant.

6. That apart, no party can be compelled by a Court to place on record any document or record which the party claims is untraceable. At the highest, in such cases, the relevant provisions of The Indian Evidence Act, 1872, (now The Bharatiya Sakshya Adhiniyam, 2023) may be invoked in appropriate cases.

7. In view of the above, there is no merit in the appeal and the same is dismissed alongwith pending applications, if any, without any order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

DECEMBER 19, 2025

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