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

+ **W.P.(C) 4519/2026**

GEETA PATHAK

....Petitioner

Through: Ms Nandita Rao, Sr Adv with Amit
Peswani and Ujjwal Sharma, Adv.

versus

GOVT OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr Sanjay Kumar Pathak, SC with
Mrs K. K. Kiran Pathak, Mr Sunil
Kumar Jha, Mr Mohd Sueb Akhtar,
Mrs Joohu Kumari, Adv. for R3
Mr. R. K. Dhawan, SC with Ms.
Nisha Dhawan, Mr. Pawan Karan
Deo, Mr. V. K. Teng, Adv. for DDA
Mr. Pramod Kumar, PC, Adv. for R1-
3

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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07.04.2026

CM APPL. 22018/2026

Exemptions granted, subject to all just exceptions.

The application is disposed of.

W.P.(C) 4519/2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“i. issue an appropriate writ, order or direction to quash the demolition notice No. F.01(0-2)/ 25-26/DD/BDP/SE/DDA/503, dated 24.03.2026 issued by the Respondent No.4;

ii. issue an appropriate writ, order or direction to the



respondents not to carry out any demolition or interfere in the peaceful and settled possession of the petitioner in property in question comprising in Property No. 30 measuring approximately 780 square yards situated in Khasra No. 583, along with Property no.6 a parcel of land measuring approximately 1 Bigha 2½ Biswas (being 1/6th share out of total land measuring 6 Bighas 15 Biswas) comprised in Khasra Nos. 581 (3-17) and 583 (2- 18) situated in the revenue estate of Village Maidangarhi, New Delhi Lane No.W-22, Western Avenue, Sainik Farms, New Delhi without adopting the due course of law as has been directed by the Hon'ble Supreme Court of India;

iii. during the pendency of the above captioned writ petition, restrain the respondents from entering/ visiting / demolishing the existing structures and boundary walls of the Property No. 30 measuring approximately 780 square yards situated in Khasra No. 583, along with Property no.6 a parcel of land measuring approximately 1 Bigha 2½ Biswas (being 1/6th share out of total land measuring 6 Bighas 15 Biswas) comprised in Khasra Nos. 581 (3-17) and 583 (2-18) situated in the revenue estate of Village Maidangarhi, New Delhi without adopting the due course of law as has been directed by the Hon'ble Supreme Court of India. ...”

2. It is stated by Ms. Rao, learned senior counsel for the petitioner, that



the petitioner's father purchased the property in question from the erstwhile owners through GPA's. The property in question devolved on the petitioner by way of a duly executed will in favour of the petitioner and hence the petitioner is in use and occupation of the said property.

3. Additionally, she relies on Section 3 of the Special Provision Act, 2011 (***“the Act”***) which reads as under:-

*“3. Enforcement to be kept in abeyance.—(1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and Jhuggi-Jhompri clusters, 1*** unauthorised colonies, village abadi area (including urban villages), and their extensions, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:—*

(a) orderly arrangements for relocation and rehabilitation of slum dwellers and Jhuggi-Jhompri clusters in Delhi in accordance with the provisions of the Delhi Urban Shelter Improvement Board Act, 2010 (Delhi Act 7 of 2010) and 2 [the Master Plan] to ensure its development in a sustainable,



planned and humane manner;

** * * * **

[(c) orderly arrangements in accordance with the provisions of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 (45 of 2019), the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 and the regulations for village abadi area (including urban villages) and their extensions as per the following cut-off dates:—

(i) for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019;

(ii) for village abadi area (including urban villages) and their extensions as existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to 1st day of June, 2014;]

(d) policy regarding existing farm houses involving construction beyond permissible building limits;

(e) policy or plan for orderly arrangement regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land and guidelines for redevelopment of existing godown clusters



(including those for a storage of non-agricultural goods) required to cater to the needs of the people of the National Capital Territory of Delhi;

(f) orderly arrangements in respect of special areas in accordance with the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village Abadis, 2010 within overall ambit of Master Plan in force; and

(g) policy or plan for orderly arrangements in all other areas of the National Capital Territory of Delhi in consonance with the Master Plan on its review.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, status quo—

(i) as on the 1st day of January, 2006 in respect of encroachment or unauthorised development;

[(ii) in respect of unauthorised colonies identified under the National Capital Territory of Delhi (Recognition of Property Rights of Residents in unauthorised Colonies) Regulations, 2019, in respect of village abadi area (including urban villages) and their extensions, which existed on the 31st day of March, 2002, and in aforesaid categories, where construction took place up to 1st day of June, 2014, as mentioned in sub-section (1);]

(iii) in respect of special areas as per the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village Abadis, 2010; and



(iv) in respect of all other areas within the National Capital Territory of Delhi as on the 8th day of February, 2007, shall be maintained.

...”

4. Encroachment has been defined under Section 2(c) of the Act which reads as under:

“(c) “encroachment” means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;”

5. For the said reasons, issue notice.

6. Mr. Kumar, learned counsel, accepts notice on behalf of respondent Nos. 1 and 2. Mr. Pathak, learned standing counsel accepts notice on behalf of respondent No. 3. Mr. Dhawan, learned standing counsel accepts notice for respondent No. 4.

7. He relies on Section 4 of the Act which reads as under:

“4. Provisions of this Act not to apply in certain cases.—During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(a) encroachment on public land except in those cases which are covered under clauses 1 [(a) and (c)] of sub-section (1) of section 3;

*(b) removal of slums and Jhuggi-Jhompri dwellers, 2*** unauthorised colonies or part thereof, village abadi area (including urban villages) and their extensions in accordance with the relevant*



policies approved by the Central Government for clearance of land required for specific public projects.”

8. I am in agreement with the submission of Mr. Dhawan, learned standing counsel, that the protection sought to be invoked by the petitioner under Section 3 of the Act is clearly unavailable in the facts of the present case by virtue of the express exclusion carved out under Section 4 of the said Act.

9. A plain reading of Section 4(a) makes it abundantly clear that no relief under Section 3 can be granted in cases of encroachment on public land, except in limited circumstances which are not attracted herein. The material placed on record indicates that the land in question forms part of public land earmarked for development of a bio-diversity park, which is a public project of significant ecological and environmental importance. Such use squarely falls within the category of land required for specific public purposes, thereby attracting the bar contained in Section 4.

10. It cannot be the legislative intent behind the Special Provisions Act to legitimise or perpetuate encroachments on public land, particularly where such land is required for planned development or public utility projects. Any interpretation to the contrary would defeat the very object of planned urban development and undermine public interest.

11. In the present case, at best, the father of the petitioner was a GPA holder in respect of the property in question from Sh. J. P. Jethra. Once the father of the petitioner, Shri Laxman Mishra died, the GPA in his favour automatically came to an end and the rights under GPA are not inheritable. Hence the will dated 28.04.2026 is of no consequence as it



seeks to transfer the rights based on a GPA which to my understanding cannot be so done.

12. For the said reasons, I am unable to entertain the petition as the petitioner has no rights, title or interest based upon the documents filed in the petition.

13. The petition is dismissed accordingly.

JASMEET SINGH, J

APRIL 7, 2026/AS

(Corrected and released on 15.04.2026)