



\$~51

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

+ **W.P.(C) 4751/2026, CM APPL. 23248-23249/2026**

BHAGAT SINGH

.....Petitioner

Through: Mr. Sanjeev Saraswat, Ms. Simran
Malik and Mr. Ankit Sunariya,
Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents

Through: Ms. Shobhana Takiar, SC for DDA
with Mr. Kuljeet Singh and
Mr. Prateek Dhir, Advocates.
Mr. Sanjay Kumar Pathak, SC for R-2
with Mr. Sunil Kumar Jha and
Mr. Md. Sueb Akhtar, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

10.04.2026

1. The Petitioner claims ownership of land falling in Khasra No. 126/1, Village Ghonda Gujran Khadar, Delhi. The case set up by the Petitioner is that while land comprised in Khasra No. 126/3 was acquired pursuant to proceedings initiated by Respondent No. 2, i.e., Land Acquisition Collector, at the instance of Respondent No. 1, i.e., Delhi Development Authority (“DDA”), the land comprised in Khasra No. 126/1 remained unacquired. The grievance of the Petitioner is that DDA is presently in unlawful possession of land which, according to the Petitioner, forms part of Khasra No. 126/1.
2. In this background, the Petitioner had earlier issued a legal notice dated 8th January, 2018, calling upon the Respondents not to interfere with the Petitioner’s land and to carry out proper demarcation. When no action



being taken, the Petitioner approached this Court by way of W.P.(C) No. 6027/2018 seeking directions for protection and demarcation of the land. The said petition was disposed of by order dated 29th May, 2018 directing the Respondents to treat the petition as a representation and pass a reasoned and speaking order. The order reads as follows:

“C.M. No. 23418/2018 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 6027/2018

Vide the present petition, the petitioner has sought directions to the respondents to protect and fence the acquired land, which is stated to be adjacent to the petitioner’s land. However, after some arguments, learned counsel for the petitioner submits that at this stage, the petitioner would be satisfied, if the respondent No.2 is directed to treat the present writ petition as a representation and pass a reasoned and speaking order thereon after dealing with all the contentions raised by the petitioner.

Mr.Arjun Pant, who appears for the respondent No.2 on advance notice, does not oppose the aforesaid course of action. Accordingly, the writ petition is disposed of with a direction to the respondent No.2 to treat the present writ petition as a representation and pass a reasoned and speaking order thereon within eight weeks from today.

In case, the petitioner is still aggrieved, it will be open for him to take legal recourse as permissible under the law.

The petition stands disposed of in the aforementioned terms.”

3. The Petitioner alleges that despite the aforementioned directions, no effective steps were taken by the Respondents, compelling the Petitioner to issue a further legal notice dated 25th August, 2018 seeking compliance of the order dated 29th May, 2018. It is, however, noted that pursuant to the said directions, proceedings were conducted by the competent authority, and the Petitioner was granted a personal hearing on 19th June, 2019. Thereafter, an order dated 25th June, 2019 came to be passed by the Respondent authorities rejecting the Petitioner’s claim.

4. In the interregnum, alleging continued interference and non-resolution



of the dispute, the Petitioner approached this Court for the second time by way of W.P.(C) No. 11975/2018, seeking, *inter alia*, permission to fence the land comprised in Khasra No. 126/1 and to restrain the Respondents from interfering with his peaceful possession. During the course of proceedings in the said petition, the Respondents placed reliance upon the order dated 25th June, 2019 as well as a status report dated 18th August, 2020. In view thereof, the said writ petition was dismissed as withdrawn by order dated 23rd November, 2022, granting liberty to the Petitioner to challenge the order dated 25th June, 2019. The order dated 23rd November, 2022 reads as under:

“Learned counsel appearing on behalf of respondent/DDA submitted that the status report dated 18th August 2020 has been filed in this Court along with a copy of the order dated 25th June, 2019 passed on representation of the petitioner in compliance of the order dated 29th May, 2018 passed by a Coordinate Bench of this Court.

Learned counsel appearing on behalf of respondent/DDA submits that the petitioner was called for personal hearing on 19th June 2019 at 12:00 noon before the Competent Authority i.e. Deputy Director, CMM/2-J.

It is further submitted that the petitioners/their representatives appeared and placed their arguments along with supporting documents. It is submitted that after hearing the petitioner/representatives of the petitioners, the detailed order was passed on 25th June, 2019.

At this juncture, the learned counsel for the petitioners stated that he does not wish to press the instant matter on merits and makes an innocuous prayer that in view of the fact that the petitioners were not aware of the said order dated 25th June 2019, and the same has not been challenged in the instant petition, therefore the petition be allowed to be withdrawn with liberty to approach the Court by challenging the said order. The learned counsel for the respondent/DDA states that he has no objection to the innocuous prayer made.

Heard learned counsel for the parties and perused the record.

The status report dated 18th August 2020 as relied upon by the learned counsel for the respondent/DDA is not on record. The status report as well as the order dated 25th June 2019 was placed before this Court and was also served to the petitioners during arguments.

In view of the facts and circumstances, the innocuous prayer made and no objection thereto, the present petition is dismissed as withdrawn with liberty to the petitioners to file a fresh writ petition challenging the



order dated 25th June 2019 passed by the Competent Authority of the DDA.”

5. Pursuant to the directions contained in the order dated 29th May, 2018 passed in W.P.(C) No. 6027/2018, the Respondent authorities had, in fact, considered the Petitioner’s representation and passed the order dated 25th June, 2019. The Petitioner was afforded an opportunity of hearing, and upon consideration of the material placed on record, including revenue documents and submissions of both parties, the authority concluded that the land claimed by the Petitioner falls on the eastern side of the Marginal Bundh, whereas the acquired land pertaining to Khasra No. 126/3 lies on the western side. On this basis, the Petitioner’s claim was found to be untenable and was accordingly rejected. The operative portion of the order reads as follows:

“ORDER
25-06-2019.

Vide order dated 29-5-2018 in WPC No. 6027/2018 the Hon'ble High Court of Delhi passed directions to Defendant No. 2 DDA to treat the present writ petition as representation of the petitioners and to pass a reasoned & speaking order.

In compliance of the orders dated 29-5-2018 the petitioners were called for personal hearing on 19-6-2019 at 12-00 noon before undersigned. Petitioners/ their representatives appeared and place their arguments and also submitted some supporting documents i.e. copy of Aks Shazra, Village Ghonda Gujran Khadar and copy of information received through RTI bearing ID No. 531. The representatives of the petitioners sought some more time for submission of additional documents in support of their claims. In addition they requested to provide passage to reach their land and permission to fence their land with wire fencing on the plea that their land has not been acquired for DDA so far. In case the passage is not possible, their land may be acquired and compensation as admissible under rule may be paid to them.

In fact matter was adjourned for 25-6-19.

On 25-6-2019 the petitioners/ their representatives appeared as scheduled. They argued that their land falls in Khasra No. 126/1 village Ghonda Gujran Khadar which is under the illegal possession of DDA. They produced the copy of Khasra Girdawari for the year 2005-06 and copy of



Aks Shazra for the year 1918-19. The same seen and placed on record.

On the part of DDA, Tehsildar LM/EZ alongwith Patwari attended the hearing. He placed certified copy of Part Aks Shazra of Award No. 837 of village Ghonda Gujran Khadar obtained from the office of Divisional Commissioner, GNCTD which is in respect of Marginal Bandh and the same contains the tatimma of various Khasra Nos. including the land of Khasra No. 126 village Ghonda Gujran Khadar during the course of hearing. The Tehsildar /LM/EZ/DDA argued that as per Shazra Tatimma of Award No. 837 the land of Khasra No. 126/1 claimed by the applicants/petitioners herein is across the Marginal Bandh towards east of the Bandh whereas the land of Khasra No. 126/3 acquired for DDA is towards west of Marginal Bandh. The claim of the petitioner is totally false and liable to be rejected on the basis of revenue records available with the DDA as well as revenue Department of GNCTD.

Heard the argument passed by both the parties as well as documents placed before me and come to the conclusion that the claim of the applicant/petitioners herein is baseless, therefore liable to be rejected. The representation is rejected accordingly.”

6. Mr. Sanjeev Saraswat, counsel for the Petitioner submits that the present petition is maintainable and cannot be said to be barred by delay, as the impugned order dated 25th June, 2019 was served upon the Petitioner only on 23rd November, 2022 during the proceedings in W.P.(C) No. 11975/2018. It is contended that despite multiple directions issued by this Court in earlier rounds of litigation, the grievance of the Petitioner has not been effectively addressed. On merits, it is submitted that the impugned order is vague and non-speaking, inasmuch as it merely records that the Petitioner's land lies towards the eastern side of the Marginal Bundh and the acquired land lies towards the western side, without any supporting demarcation report, site inspection, or correlation with the revenue records. It is further contended that the authority has failed to consider the material placed on record by the Petitioner, including the Patwari noting dated 10th June, 2019, which, according to the Petitioner, establishes that the land in



question forms part of Khasra No. 126/1 and has never been acquired. On this basis, it is urged that the exercise undertaken by the Respondents is merely illusory and does not constitute compliance with the earlier directions of this Court.

7. On the other hand, Ms. Shobhana Takiar, Standing Counsel for DDA, submits that the present petition constitutes yet another attempt to seek substantially identical reliefs which have already been considered in earlier writ proceedings. It is contended that there is gross delay on the part of the Petitioner in approaching this Court and he was well aware of the proceedings culminating in the order dated 25th June, 2019, particularly as the Petitioner's representatives had participated in the hearing held on 19th June, 2019. It is further submitted that, in any event, the impugned order has been passed after considering the relevant material, including demarcation records, and that the possession of land with DDA is in accordance with the acquisition proceedings.

8. This Court has considered the rival submissions. This is the third round of litigation wherein the Petitioner seeks substantially similar reliefs as sought in the previous petitions.

9. The controversy raised in the present petition, in substance, pertains to identification of land, demarcation of khasra boundaries, and competing claims as to possession. The Petitioner asserts that the land in possession of DDA falls within Khasra No. 126/1, whereas the Respondents contend that the same forms part of the acquired land comprised in Khasra No. 126/3. These are clearly conflicting stands which cannot be resolved on the basis of affidavits.

10. The writ jurisdiction of this Court may be invoked even in cases



involving certain disputed questions of fact, however the same cannot be exercised where the dispute relates to ownership, title, and possession requiring adjudication upon appreciation of oral and documentary evidence.¹ Such disputes are required to be resolved by a civil court after a full-fledged trial, as a writ court is not equipped to undertake such an exercise.

11. This Court is of the view that the relief sought by the Petitioner would require adjudication of questions relating to boundary identification and possession, which cannot be adjudicated in proceedings under Article 226 of the Constitution of India.

12. In view of the above, this Court has consciously refrained from examining the merits of the rival claims, as any observation in that regard may prejudice the rights of the parties in appropriate proceedings.

13. Accordingly, while declining to entertain the present petition, liberty is reserved to the Petitioner to avail appropriate remedies in accordance with law before a competent civil court.

14. The petition is disposed of along with pending applications. All rights and contentions of the parties are left open.

SANJEEV NARULA, J

APRIL 10, 2026

nk

¹ See: *Hansraj Goswami v. Municipal Corporation of Delhi* LPA 607/2025 wherein this Court also considered the judgments of the Supreme Court in *Rajinder Singh v. State of Jammu and Kashmir & Ors.* (2008) 9 SCC 368 and *A.P. Electrical Equipment Corporation v. Tehsildar & Ors.* 2025 SCC OnLine SC 447.