



2026:DHC:2417-DB



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

+ **LPA 109/2016**

AIRPORTS AUTHORITY OF INDIAAppellant

Through: Mr. K.K. Rai, Sr. Adv. with Mr.
Digvijay Rai and Mr. Archit Mishra, Advs.
with Mr. Yatinder Choudhary, Law Officer

versus

**DELHI DEVELOPMENT
AUTHORITY & ANR**

.....Respondents

Through: Mr. Vaibhav Agnihotri, ASC
with Mr. Vidit Pratap Singh and Mr. Ankit
Singh, Advs. for R-1/DDA
Mr. Rajan Khosla, SPC with Mr. Gaurav
Khosla and Mr. Sukrit Khosla, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

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20.03.2026

C. HARI SHANKAR, J.

1. Having heard learned Counsel for the parties, we are of the opinion that, before arriving at a decision that the dispute between the parties was not amenable to adjudication under Article 226 of the Constitution of India as there were disputed issues of fact involved, the learned Single Judge ought to have called for a counter affidavit from the respondents.

2. With consent of parties, on instructions from their respective clients, therefore, we set aside the impugned judgment and remand the



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writ petition for consideration *de novo* by the learned Single Judge.

3. List the matter before the learned Single Judge on 8 July 2026.
4. The respondents are permitted to file counter affidavit by way of response to the writ petition within a period of six weeks from today. Rejoinder thereto, if any, may be filed within four weeks thereof.
5. The learned Single Judge would thereafter reconsider the matter. We are not expressing any observations on whether the dispute was, or was not, amenable to adjudication under Article 226. That issue is, therefore, left open and it would be open to the learned Single Judge, after pleadings are completed, to take a view one way or the other.
6. The appeal is accordingly disposed of in the aforesaid terms.
7. We appreciate the cooperation of the DDA as well as of Mr. Vaibhav Agnihotri in ensuring that the matter could come to an amenable close.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MARCH 20, 2026/dsn