



\$~46

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

+ **W.P.(C) 14784/2025 and CM APPL. 60808/2025**

MR DIVESH GUPTA

.....Petitioner

Through: Mr. Manoj Kumar Dwivedi, Mr. G. L. Yadav and Mr. Pawan K. Yadav, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr. Ravi Kant Srivastava (Senior Panel Counsel) with Mr. Robert Laishram, Advocate for R-1 and 2. Ms. Zehra Khan, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

29.04.2026

1. It appears that the petitioner earlier approached this Court for similar reliefs by way of two writ petitions bearing W.P.(C) No.9749/2009 and W.P.(C) 11048/2009. The first writ petitions came to be withdrawn on 01.07.2009 and, thereafter *vide* 21.08.2009 the second petition was dismissed, respectively.

2. The order dated 01.07.2009 passed in W.P.(C) No.9749/2009 is extracted as under:

“After some hearing, counsel for the petitioner seeks liberty to withdraw the present writ petition with liberty to approach the Civil Court or appropriate forum in accordance with law.



The writ petition is dismissed as withdrawn with liberty as prayed for. It is clarified that this Court has not expressed any opinion on merits.”

3. The order dated 21.08.2009 passed in W.P.(C) 11048/2009 is extracted as under:

“The petitioner had earlier approached this Court by way of W.P.(C) No.9749/2009 titled Divesh Gupta Vs. Commissioner of Police and Others. The writ petition was dismissed as withdrawn vide order dated 1st July, 2009 with liberty to the petitioner to approach civil courts or an appropriate forum in accordance with law. Counsel for the petitioner states that there is change in circumstances in view of the written reply dated 14th July, 2009 of the Ministry of Home Affairs, Government of India and response to the RTI query dated 27th July, 2009. The two responses do not give a fresh cause of action to once again invoke the writ jurisdiction. As per the two responses, Delhi Police has been in occupation of land in question since at least 1947. There is no admission in the said letters that the petitioner or their predecessors are/were the owners of the land in question. Question of limitation etc. also arise for consideration. It is not appropriate to exercise extra ordinary and discretionary writ jurisdiction in the present case. The writ petition is accordingly dismissed.”

4. The petitioner, thus, has approached this Court by way of this third petition. The same is highly misconceived and ought to be dismissed on the sole ground of suppression of fact of not disclosing the factum of filing of second petition which got dismissed on 21.08.2009.

5. The Court was of the view that heavy cost should have been imposed against the petitioner. Learned counsel for the petitioner, however, tenders apology which stands accepted.

6. Accordingly, with liberty stands reserved in favour of the petitioner to take appropriate steps, the petition stands dismissed.

PURUSHAINDR KUMAR KAURAV, J

APRIL 29, 2026

aks