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

+ W.P.(C) 19754/2025, CM APPL. 82478-82479/2025

SATY PAL & ORS.

.....Petitioners

Through: Ms. Suman Chaudhary, Advocate.

versus

INSTITUTE OF NUCLEAR MEDICINE AND ALLIED SCIENCE
THR HEAD WORKS INMAS & ORS.Respondents

Through: Mr. Parminder Singh, SC for R-6
with Mr. Aryanshu Vaibhav Gautam,
Advocate.

Mr. Tushar Sannu, SC for DJC with
Mr. Parvin Bansal, Advocate.

Ms. Prabhsahay Kaur, SC for DDA
with Ms. Antara Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.02.2026

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1. The Petitioners assert that they have remained in cultivatory possession of land comprised in *Khasra* No.1436 (21-01), 1437 (21-09), 1438 min. (3-18), 1439 (3-5), 1440 (6-05), 1442 min. (2-17), 1443 min. (1-17), 1444 min. (7-4), 1533 (8-9), 1534 (8-01), 1535 (1-16), 1536 (0-17), 1537 (0-16), 1538 min. (6-02) situated in the revenue estate of Village Bhalaswa, Jahangir Pur, Delhi since the year 1980-81.

2. On this basis, the present petition has been filed seeking the following reliefs:

“i) Issue an appropriate writ, order or direction thereby restraint t’he Respondents from dispossessing the petitioners from the land comprising in *Khasra* No.1436 (21-01), 1437 (21-09), 1438 min. (3-18), 1439 (3-5), 1440



(6-05), 1442 min. (2-17), 1443 min. (1-17), 1444 min.(7-4), 1533 (8-9), 1534 (8-01), 1535 (1-16), 1536 (0-17), 1537 (0-16), 1538 min. (6-02) of the Revenue Estate of Village Bhalaswa, Jahangir Pur, Delhi since 1980-81 without taking necessary steps as per the provisions of law;

ii. Appoint a Court/Local Commissioner to monitor the work of the respondents and to carry out a survey about the physical possession of the petitioners as well as respondent no.1;

iii) Direct the Respondents No.7 & 11 may also be directed to visit the land in question and record the cultivatory possession of the petitioners in respect of their occupied land and to award the amount of compensation accordingly.”

3. In support of the petition, various grounds have been urged which, as pleaded, read as under:

“A) Because Respondents have failed in discharging their public duty in accordance with provisions of law as contained in Delhi Land Reforms Act, Delhi Municipal Corporation Act, Delhi Development Authority Act, Land Acquisition Act and The Scheduled Castes and the scheduled Tribes (prevention of Atrocities) Act 1989 as well as other guidelines framed time to time by the competent authority.

B) Because the Respondents are STATE within Article 12 of the Constitution of India and cannot omit to do their public duty for a planned development of Delhi.

C) Because the exercise of jurisdiction under Article 226 of Constitution is warranted to prevent the injustice caused to the common residents/native/inhabitants of Delhi.

D) Because the Respondents are duty bound to follow the Rules and Regulations which the Respondents failed to do so.

E) Because the Defence Department is duty bound under law to follow the Gazette Notification under which Regulations have to provide information to peoples of notified area.

F) Because, once there is a regulation then it has to be followed, and it cannot be ignored.

G) Because, once the Rules and Regulations have been framed then the same have to be observed by all concerned.

H) Because the action on the part of the Respondents is arbitrary, capricious and violative of Article 14 of the Constitution of India.

I) Because the action on the part of the Respondents is unfair and shows that it has no respect and regard for the Rules and Regulations which have to be followed by all concerned, at least by the Respondents being the part of the STATE.

J) Because due to negligent and reckless act of the respondents the petitioners have suffered severely which may cause the destiny petitioners



may be extinct from the hands of respondents.”

4. On a pointed query as to the immediate cause for invoking Article 226, reliance is placed on the minutes dated 24th February, 2025 issued from the office of the Sub-Divisional Magistrate (Model Town). The same reads as under:

“No. STF/SDM/MT/2025/5590/

Dated:24-02-25

MINUTES OF MEETING

A meeting was held on 13/02/2025 at 02:30 P.M under the chairmanship of Convener STF/SDM (Model Town) in his chamber regarding STF Matters regarding unauthorized/unsafe construction whether on public or private land and initiating action against encroacher/builders of unsafe construction including demolition. The agenda of the meeting was as follows:-

- (a) To review the status and list out such unauthorized construction/encroachments And illegal colonization ongoing in the jurisdiction of Model Town.*
- (b) To protect Gram Sabha/Govt. Land by the land owning agency through STF.*
- (c) A weekly report along with ATR by every Wednesday.*
- (d) Any other matter related to STF.*

The meeting was attended by-

- 1. Dr. S.R Nayar, Head Works DRDO INMAS COI*
- 2. Sh. Ashok Kumar, TOC INMAS COI (MOB:-9968310004).*
- 3. Sh. Tarun Madhup, Project Manager, CCE(R&D), Delhi DRDO.*
- 4. Sh. Arun Dagar, Inspector/ATO, PS Bhalswa Dairy (MOB:-97170279933).*
- 5. Sh. Devendra Singh, Assistant Engineer, PWD(MOB:-9935992312).*
- 6. Sh. Mahinder Palswal, Asst Engineer, PWD, North Road, Delhi(MOB:-7357857549).*

First of all the SDM Model Town welcomed all the officers who attended the meeting. Further, no representatives from rest of the departments had attended the meeting despite service of meeting notice which was viewed not favorably.



During the meeting it was discussed issues related to Encroachment/illegal construction etc. Accordingly the gist of deliberations and decision taken are as under:-

(a) To vacate the Govt. Land occupied by unauthorized farmers situated at pocket A defence Land, Police Station Jahangir Puri, Delhi in consultation with Land owning agencies. It is further directed to the land owning agencies departments to submit intimation/ action taken report on or before drive.

(Action by:-MCD/DRDO/Delhi Police)

drive of illegal/unauthorized (b) Conduct demolition construction/encroachment at khasra nos. 10 & 13 situated at village bhalswa- Jahangir pur in consultation with land owning agencies in a week. It is further directed to the land owning agencies/ department to submit intimation/action taken report on or before drive.

(Action by:-MCD/DDA/Delhi Police)

(c) All the Land owning agencies/departments are directed to identify their respective land falls under the jurisdiction of Sub-Division, Model Town with proper supportive documents of ownership and possession. It is further directed to cover the land by fencing & deploy security guard 24 X 7 hours.

(Action by:- MCD/DDA/PWD/DRDO/Defence/DMRC/DJB/Delhi police)

(d) All the land owning agencies/departments are also directed to keep vigil and ensure of the safety of their lands from the occupier/unauthorized encroacher and also ensure such type of unauthorized/encroachment may not be happened in future.

(Action by:-MCD/DDA/PWD/DRDO/Defence/DMRC/D.JB/Delhi Police)

The meeting was ended with the vote of thanks to the chair.

File No. STF/SDM/Mt/2025/5501

CONVENER(STF)/SDM (MODEL TOWN)

Date: 24/02/25"

5. The minutes do not disclose any specific order directed against the



Petitioners, nor do they record any adjudication of the Petitioners' rights, nor do they refer to the *khasra* numbers on which the present petition is founded. What is relied upon is, at the highest, an administrative decision to remove encroachments from Government land.

6. More fundamentally, the reliefs sought rest on an assertion of possessory and proprietary entitlement over identified parcels of land. Whether the Petitioners are in possession, the nature and legality of such possession, whether any right has accrued under the governing land law, and whether the land is Government land or otherwise, are all matters that cannot be resolved on affidavits in writ jurisdiction. Granting a restraint, appointing a commissioner to “survey possession”, or directing recording of cultivatory possession and award of compensation would necessarily require a fact-finding exercise akin to a civil or revenue trial.

7. A writ court examines legality of State action. It does not convert Article 226 into a forum for first-instance adjudication of title and possession, particularly where the dispute is fact-intensive and contested. Where adjudication demands evidence, demarcation, and determination of rights inter se, the appropriate course is to pursue remedies before the competent civil or revenue forum, including such remedies as are available under the Delhi land laws.

8. The grounds pleaded in the petition are, in any event, broad assertions of “public duty” and “arbitrariness” without pleading a clear, enforceable legal right in the Petitioners capable of being protected by mandamus in the manner sought. The extraordinary remedy cannot be used to obtain, in substance, a decree of injunction and ancillary fact-finding directions.

9. In these circumstances, the Court declines to entertain the petition.



The Petitioners are left at liberty to avail appropriate remedies before the competent forum, in accordance with law, for protection of any rights they claim over the subject land.

10. It is clarified that this Court has expressed no opinion on the merits of the Petitioners' claim of possession or entitlement, or on the character of the land. All contentions are left open.

11. The petition is disposed of, along with pending application(s), if any.

SANJEEV NARULA, J

FEBRUARY 9, 2026

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