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

+ W.P.(C) 6174/2014
JAI PARKASH

.....Petitioner

Through: Mr. B.K. Sood, Ms. Jyotsna Bhardwaj
and Mr. Manik Sood, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS

.....Respondents

Through: Mr. Arun Birbal and Mr. Sanjay
Singh, Advocates for DDA.
Ms. Avni Singh, Panel Counsel for
GNCTD with Mr. Vaibhav Sharma,
Mr. Mojpai Singh, Advocates for
BDO.

+ W.P.(C) 6176/2014
KAMLA DEVI JAIN

.....Petitioner

Through: Mr. B.K. Sood, Ms. Jyotsna Bhardwaj
and Mr. Manik Sood, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS

.....Respondents

Through: Mr. Arun Birbal and Mr. Sanjay
Singh, Advocates for DDA.
Ms. Avni Singh, Panel Counsel for
GNCTD with Mr. Vaibhav Sharma,
Mr. Mojpai Singh, Advocates for
BDO.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
11.03.2026

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1. The present two writ petitions arise out of a long and somewhat



chequered course of litigation. A brief recital of the background facts is, therefore, necessary to place the controversy in its proper perspective.

2. The Petitioners claim ownership and settled possession in respect of plots said to form part of a colony known as “Freedom Fighter Enclave”, which, according to them, spreads over approximately 42.5 acres and comprises 709 plots.

3. Jai Parkash [W.P.(C) 6174/2014] and Kamla Devi Jain [W.P.(C) 6176/2014] claim, respectively, rights in plot No. A-26A, Freedom Fighter Enclave, Neb Sarai, New Delhi, admeasuring 200 square yards, and plot No. A-27B, Freedom Fighter Enclave, Neb Sarai, New Delhi, admeasuring 240 square yards. Their claim is traced to allotments said to have been made through the Freedom Fighter Cultural Centre, for which reliance is placed on membership and plot allotment certificates. In the case of Jai Parkash, the certificate relied upon stands in the name of Dr. Asha Sharma and is dated 23rd November, 1988. In the case of Kamla Devi Jain, the corresponding certificate stands in the name of Deepak Bhatia and is dated 5th June, 1991. The Petitioners also rely upon GPA, agreement to sell, special power of attorney, and other connected documents in support of their asserted rights over the plots in question.

4. For the purposes of the present proceedings, this Court does not consider it necessary to examine the legality or effect of the aforesaid documents, or to pronounce upon the nature of title, if any, claimed by the Petitioners on that basis. Those questions do not properly arise for determination in the present writ proceedings.

5. The Petitioners assert that the colony has, over time, come to be occupied by residents who have been enjoying electricity, water and



telephone connections, and have also been issued identity and other public documents reflecting addresses in the said colony.

6. This colony is classified as an “affluent unauthorised colony” as per the Ministry of Housing and Affairs notification dated 29th October, 2019 wherein list of unauthorised colonies inhabited by affluent section of society has been given under Regulation 2(a) of DDA regulations for regularisation of unauthorised colony. The freedom fighter colony finds mention at various serial numbers in the said list.

7. The record shows that the present proceedings are not the first round between the parties. The Petitioners had earlier approached this Court in W.P.(C) 17345/2006 and W.P.(C) 17347/2006 seeking protection against demolition of the subject plots. Interim orders dated 21st November, 2006 were passed in their favour, restraining the Respondents from demolishing the properties in question or disturbing the Petitioners’ possession till the next date of hearing. That protection was granted at a stage when the issue of regularisation of the colony itself remained under consideration.

8. Those petitions were later disposed of after this Court found, on the material then placed before it, that there was no construction existing on the subject plots and, therefore, the question of demolition did not arise. The challenge in those proceedings was examined from the standpoint of the demolition notice alone.

9. Appeals carried against the said orders were dismissed by the Division Bench on 21st March, 2014. While affirming the view of the Single Judge, the Division Bench clarified that if the Petitioners had any other independent right in relation to the plots, they would be at liberty to agitate the same in appropriate proceedings in accordance with law.



10. Thereafter, further proceedings were instituted by the Petitioners in W.P.(C) 3068/2014 and W.P.(C) 3076/2014. Those proceedings also came to be disposed of on 20th August, 2014 in view of the stand of the Respondents that demolition had already been carried out and possession had been taken on 7th March, 2014. While dismissing those petitions as infructuous, this Court clarified that if the petitioners were aggrieved by the demolition report dated 7th March, 2014, they would be at liberty to challenge the same before the appropriate forum.

11. The present writ petitions have been instituted in that backdrop and are directed principally against the demolition report dated 7th March, 2014, wherein the Respondents recorded that encroachments had been removed from Gaon Sabha land in Khasra No. 96 min, Village Neb Sarai, and that approximately 750 sq. yards of land had been retrieved and taken into possession.

12. When these petitions came up on 15th September, 2014, this Court, taking note of the submission made on behalf of the Petitioners that they continued to remain in possession of the subject properties despite the demolition report, directed maintenance of *status quo* with respect to the properties in question. That order has continued since then.

13. The position that now emerges is that the parties are at complete variance on the issue of possession. The Petitioners maintain that they continue to remain in possession of the subject plots. The Respondents dispute that assertion and rely upon the demolition report and the subsequent official record to contend that possession is with them. It is also not in dispute that the properties in question are vacant plots, though it has been urged that boundary walls also exist.



14. In the course of hearing, and having regard to the highly disputed factual matrix, counsel appearing for the Petitioners, on instructions, submits that the Petitioners do not wish to pursue the present writ petitions any further and seek leave to withdraw the same, with liberty to avail such civil remedies as may be open to them in accordance with law. It is further prayed that the *status quo* order operating in the matter be continued for a limited period to enable the Petitioners to approach the competent civil court.

15. Having considered the nature of the controversy, this Court is of the view that the request deserves to be accepted. The challenge as presently framed to the demolition report dated 7th March, 2014 does not, in substance, address or conclude the underlying dispute between the parties. The controversy, at its core, remains bound up with disputed questions concerning possession, the character and extent of the Petitioners' asserted rights in the subject plots, and the legal effect of the events said to have followed. Those issues are not amenable to satisfactory determination in the present writ proceedings and would more appropriately fall for consideration before the competent civil forum.

16. Accordingly, the writ petitions are dismissed as withdrawn, with liberty to the petitioners to take recourse to such civil remedies as may be available to them in law.

17. Considering that the order directing maintenance of *status quo* has remained in operation since 15th September, 2014, it is directed, in the interest of justice, that the said interim arrangement shall continue for a further period of two months from today to enable the Petitioners to approach the competent civil court. Upon such proceedings being instituted, it shall be open to the civil court to consider, in accordance with law,



whether the interim protection deserves to be continued, modified, varied or vacated.

18. It is clarified that this Court has expressed no opinion on the merits of the rival claims. All rights and contentions of the parties are kept open.

19. The petitions stand disposed of in the above terms.

SANJEEV NARULA, J

MARCH 11, 2026/ab