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

+ **W.P.(C) 12945/2018**

SMT. SUMITRA DEVI

.....Petitioner

Through: Mr. Jasbir Singh Malik and Ms.
Prachi Sohi, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.01.2026

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1. The Petitioner has filed the present petition assailing the notice dated 20th August, 2018, issued by the Block Development Officer (South), Saket, New Delhi, in respect of alleged unauthorised occupation of Gaon Sabha land bearing Khasra Nos. 60/4 (04-12) and 60/7 (04-12), situated at Village Dera Mandi, New Delhi.

2. It is further noted that the Petitioner had earlier instituted a civil suit before this Court, being CS(OS) No. 138/2017, seeking a decree of permanent injunction restraining the Government of NCT of Delhi from dispossessing the Plaintiff and from carrying out demolition of the property/house in question. In the said suit, the Plaintiff asserted that the property was constructed on Khasra Nos. 60/8 and 60/9 of Village Dera Mandi, Tehsil Mehrauli, District South, New Delhi. During the proceedings, Defendant No. 2 stated before the Court that the demolition action was being



carried out with respect to Khasra Nos. 60/4 and 60/7, which belonged to the Government, and not in respect of Khasra Nos. 60/8 and 60/9, which formed the subject matter of the suit.

3. Taking note of the aforesaid submissions made on behalf of Defendant No. 2, this Court, by order dated 23rd May, 2018, made the following observations:

“11. The counsel for the plaintiff however wants this Court to protect the property, with construction of which photographs are filed, by contending that the same in fact is in Khasra Nos.60/8 & 60/9 as claimed by the plaintiff and not in Khasra Nos.60/4 & 60/7 as claimed by the defendants and by further contending that the demarcation done by the defendants is wrong. It was further argued that since the plaintiff is in possession of the property as depicted in the photographs, since the year 2005, the defendants are not entitled to disturb the possession of the plaintiff, save by instituting proceedings against the plaintiff under the Delhi Land Reforms Act. Reliance was placed on **Rame Gowda Vs. M. Varadappa Naidu** (2004) 1 SCC 769, **Swaraj Kishore Arora Vs. Indian Bank** (2016) 230 DLT 269 (DB), **Partap Singh Vs. Om Prakash** (2006) 127 DLT 213, **Om Parkash Vs. Govt. of NCT of Delhi**, 2014 SCC OnLine Del 4724, **Babu Ram Vs. Govt of NCT of Delhi** 2014 SCC OnLine Del 3890 and on **Juglal Vs. Dy. Commissioner** 2003 (70) DRJ 256.

12. The counsel for the applicant Om Prakash contended that the claim of the plaintiff is false and it is the applicant Om Prakash, who is the recorded owner and Bhumidar of Khasra No.60/9.

13. Per contra, the counsel for the defendants contended that the action of the defendants sought to be interdicted with by filing this suit is in compliance with directions of the Supreme Court in **Jagpal Singh supra** and the suit is thus misconceived.

14. I have considered the controversy.

15. As far as the claim of the applicant Om Prakash is concerned, all that can be observed is that the plaintiff has filed this suit only for injunction simplicitor and not for the relief of declaration of her title to Khasra Nos.60/8 & 60/9 and as per the dicta of the Supreme Court in **Anathula Sudhakar Vs. P. Buchi Reddy** (2008) 4 SCC 594, there is no need for this Court, in this suit for injunction, to adjudicate title claimed by the plaintiff to Khasra Nos.60/8 & 60/9. Thus, the applicant Om Prakash is neither a necessary nor a proper party to the present suit.

16. IA No.5687/2017 is dismissed and applicant Om Prakash is at liberty to take such proceedings which he may be entitled to.



17. As far as the arguments of the counsel for the plaintiff are concerned, the plaintiff has not approached this Court with a challenge to the report of demarcation which indeed could not have been a subject matter of challenge in Civil Court. It is also not the plea of the plaintiff in the plaint that though she is in possession of Khasra Nos.60/8 & 60/9 but the defendants are wrongly treating her as in possession of Khasra Nos.60/4 & 60/7. In fact, Khasra Nos.60/4 & 60/7 do not even find any mention in the plaint. The plaintiff, without making any pleadings, cannot expect this Court to adjudicate on a case for which no pleadings have been made.

18. It is also not as if the plaintiff has approached this Court to protect her possession. The plaintiff has approached this Court claiming title to Khasra Nos.60/8 & 60/9 and seeking to restrain the defendants with respect to the said Khasra numbers. Once the defendants have made a statement and reiterated the same in the written statement that they are not taking any action with respect to Khasra Nos.60/8 & 60/9, there is no need for this court to put this suit through the process of framing of issues and trial, as provided for in the CPC. If the relief, which the plaintiff is seeking, can be granted on the first date itself, the Courts are not to mechanically and blindly put the suit through the process of completion of pleadings, admission/denial of documents, framing of issues and trial, just to keep themselves and the Advocates busy.

19. I may also record, that as far as the challenge of the plaintiff to demarcation report is concerned, the plaintiff though claims lawful title to Khasra Nos.60/8 & 60/9, neither has a mutation in the revenue records in her favour nor has any registered document of title with respect thereto in her favour. What is filed before this Court are photocopies of documents in the nature of GPA, Agreement to Sell, Will, Receipt, Affidavit and Possession Letter with respect to Khasra Nos.60/8 & 60/9 as described in the plaint. Such documents, in **Suraj Lamp & Industries Pvt. Ltd. Vs. State of Haryana** (2009) 7 SCC 363 and (2012) 1 SCC 656, have been held to not confer any title. Thus, the plaintiff, on her own pleadings, has been unable to make out a case of lawful title to Khasra Nos.60/8 & 60/9 as claimed.

20. The suit is thus disposed of, by binding the defendants to their statements that they are not taking any action with respect to Khasra Nos.60/8 & 60/9 of Village Dera Mandi, Tehsil Mehrauli, District South, New Delhi and leaving the parties to bear their own costs.

Decree sheet be drawn up."

4. In view of the aforesaid order, the defendants in the said suit were held bound by the statements made before the Court, and the suit was disposed of, having regard to the fact that the Petitioner/Plaintiff had



claimed title only in respect of Khasra Nos. 60/8 and 60/9 and that no action was being taken by the defendants in respect thereof.

5. In light of the foregoing, counsel for the Petitioner, after making some submissions, seeks leave to withdraw the present petition, with liberty to avail such other appropriate remedies as may be available in law against the impugned action.

6. Disposed of, along with any pending application(s).

SANJEEV NARULA, J

JANUARY 21, 2026

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