

CS No. 407/2021
Jai Prakash Vs. SDM

24.12.2021

Present: Sh. Rambir, Ld. Counsel for plaintiff.
Sh. Lokeshwar Sharma, Ld. Counsel for both defendants.

Record perused. As per record, written statement has been filed on behalf of defendant on 09.10.2021. Copies are stated to have been supplied.

Arguments on application filed under Order XXXIX Rule 1 and 2 CPC heard.

It is stated on behalf of the plaintiff that the area where the suit property in question is situated has been urbanized as [per notification therefore, it falls outside the purview of DLR Act. It is prayed that the process initiated on behalf of defendant pertaining to non agricultural activities is therefore not tenable in the eyes of law.

Defendant on the other hand have stated that they are not carrying out any demolition activities with regard to suit property in question. Defendants however, have not apprised as to how DLR Act still applies to the area where suit property in question is situated. Defendant have further stated that they have not intention to carry out any demolition activities on the spot in question, without permission of the court, during pendency of the suit.

It is a matter of record that interim stay vide order dated 08.06.2021, has already been passed. In the light of submissions made

on behalf of defendants. Defendants are, therefore, restrained from carrying out any demolition at the suit premises in question bearing Khasra no. 22/10/1(10-06), 22/11/1 (3-0), 22/11/2 (2-18), 2/19 (1-05) of Village Salempur Majra Burari & Khasra no. 50/1/1 (3-03), 50/12 (4-2), 50/13 (4), 50/9/1 (4-4), 50/2 (4-8) of village Burari during pendency of the suit.

It is made clear that any opinion expressed above shall not tantamount to any expression upon the merits of the case.

Accordingly, interim application stands disposed off.

Be put up for filing of replication, if any, admission denial of documents and framing of issues on **07.04.2022**.

(Prashant Kumar)
ADJ- 01 (Central),
THC, Delhi, 24.12.2021