

CS No.249/19
Subhadra Devi Vs. DDA

12.04.2019

Present: Sh. Ravinder Singh, counsel for plaintiffs with P-2 & P-3.

He has filed certain documents, as per list of documents.

It be taken on record.

Heard on the application.

The case of the plaintiffs is that they had purchased the land measuring 542 sq. yds. in Khasra No. 117 and 118, Village Naraina, Delhi, (precisely deceased Satpal Singh and his brother plaintiff no-5 Yashpal. Plaintiff no-1 to 4 are legal heirs of Satpal Singh). It has been submitted that a property was purchased vide registered sale deed dated 20.11.1970, photocopies of documents of sale have been filed on record. As per the plaintiffs, the above mentioned property is currently known as C-9, (Old No. WZ-9) Mansarover Garden, Delhi-110015. The plaintiffs have also placed on record the photocopies of documents relating to electricity connection on these premises w.e.f. 23.10.1973 and also house tax receipts since the year 1979. Photographs of suit property have also been placed on record, which shall be an impression that the suit property has been constructed for considerable period of time. The Ld. Counsel has also relied upon a status report, furnished by the concerned Patwari, Delhi Cantt. to the effect that Khasra No. 117 and 118 was recorded in the name of some agriculturist and no award was passed with respect to acquisition of the same.

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The grievance of the plaintiff is that despite the above position, the DDA officials visited the suit property on 18.03.2019 and other properties located in the vicinity and threatened them of illegal dispossession as well as demolition of the same. They again visited on 01.04.2019 and reiterated the threats.

After the suit was filed, summons of suit as well as notice of application u/o 39 Rules 1 & 2 CPC were issued to defendant/DDA and the matter was posted for 11.04.2019 but none appeared for the defendant despite service. No adverse orders were passed against the defendant and matter was posted for today.

In view of the submissions made by counsel for plaintiffs, I am inclined to restrain the defendant/DDA from dispossessing the plaintiffs from the suit property/demolishing the same otherwise than in accordance with due process of law till the next date of hearing.

Ordered accordingly.

Put up on **04.07.2019**. Respondents are directed to file WS within stipulated prescribed period, as per law, with advance copy to the opposite side. Replication, if any, be filed within next two weeks, with advance copy to the opposite side.

Copy of this order be given dasti.

(SAVITRI)
ADJ-02,West/Delhi
12.04.2019