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

CNR No. DLHC010167472025

Date of Decision: 03.08.2026

+ **W.P.(C) 3960/2025 & CM APPL. 18439/2025**

SHANTI DEVI AND ORS.

.....Petitioners

Through: Adv L.B Rai, Adv Krishan Kumar,
Adv Aman Bhati
versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Prabhsahay Kaur (Standing
Counsel DDA), Mr. Aditya Verma, Mr. Kamlendu
Pandey, Ms. Yakshna Sharma, Advs. for DDA

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

CM APPL. 18438/2025

Exemption allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) 3960/2025

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“1. Issue appropriate writ in the nature of mandamus or any other writ thereby directing the respondent, to not create any hinderance in the enjoyment of the said land by the petitioners.

2. Issue appropriate writ in the nature of mandamus or any other writ thereby setting aside the eviction notice dated



20.03.2025 issued by DDA/ respondent. ...”

2. As per the petitioners, the predecessors of the petitioners were allotted the agriculture land *vide* allotment letter dated 01.10.1962 issued by respondent/ Delhi Development Authority (“**DDA**”) in lieu of acquisition of land of the predecessors of the petitioners which was located in Indraprastha area in Delhi.
3. As per Mr. Rai, learned counsel for the petitioners, the predecessors of the petitioners and subsequently, the petitioners had been in peaceful possession of the said agricultural land and were cultivating the land for about 30 years.
4. Later, proceedings under the Public Premises (Eviction of the Unauthorized Occupant) Act 1971 were initiated against the predecessors by way of a show cause notice dated 30.01.1991 and thereafter an eviction order dated 20.08.1991 was issued, which was challenged by the predecessors before Additional District Judge, Tis Hazari Courts, Delhi and the said appeals were allowed by judgement dated 18.11.1995. As per the petitioner, the said order attained finality.
5. Later, the respondent/DDA tried to interfere in the peaceful possession of the agriculture land by the petitioners by pasting the eviction notices. Hence, the present petition.
6. Mr. Rai, learned counsel for the petitioners, relies on the judgment of ***T.S. Sankara Iyer v. Union of India, 2011 SCC OnLine Mad 1318***, and more particularly on paragraph Nos. 14 and 15, which read as under:-

“14. Before proceeding to discuss the rival contentions, let us have a look into the statutory provisions upon which reliance is made by the learned Counsel on either side. Section 2(g) of the



Act defines the expression “unauthorised occupation” as follows:....

15. A close reading of the above provisions of the Act would make it very clear that in respect of any order made under Section 5 of the Act, the aggrieved has got a remedy by way of an Appeal under Section 9 of the Act; such order passed either by the Estate Officer or by the Appellate Authority is final and no Suit shall be entertained calling in question the said order passed by the authority. Again Section 15 has expressly ousted the jurisdiction of the Civil Court from entertaining any suit against any action taken under the Act for eviction.”

7. I have heard learned counsel for the parties.

8. Ms. Kaur, learned standing counsel for the respondent/DDA, has drawn my attention to the judgment of this Court in **Sacchi Shuruaat Sewa Samiti (NGO) v. DDA, W.P. (C) 7542/2017 dated 18.03.2025**, and more particularly on paragraph Nos. 2, 4, 8, 10, 11 and 13-16, which read as under:-

“2. The petitioner is a registered society, claiming to have filed the present petition on behalf of 32 farmers/allottees, who were allegedly allotted agricultural land measuring 10 bighas each in Khasra No. 16, 24 North Chiraga Somali, Khattewala Rakba, Marginal Band (now known as Shastri Park), Delhi (hereinafter referred to as the “said agricultural land”), by the respondent/DDA vide allotment letter dated 01.10.1962, in lieu of the acquisition of the land situated in Indraprastha Estate, by the respondent/DDA for



the purpose of construction of the Indraprastha Power Plant.

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4. Resultantly, as many as 26 appeals were filed by some of the said allottees under Section 9 of the PP Act before the Learned Appellate Authority, thereby challenging the eviction order dated 20.08.1991 passed by the Estate Officer, which appeals were allowed by the Appellate Authority vide a common judgment dated 18.11.1995, on the basis of the statements made by three witnesses produced by the DDA in the appeal proceedings besides the allotment letter dated 01.10.1962. Accordingly, the learned Appellate Authority inter alia restored the possession of the allottees and quashed the impugned eviction order dated 20.08.1991 on the ground that the procedure of ejectment followed by the Estate Officer was “defective” in as much as the show cause notice dated 30.01.1991 under Section 4 of the PP Act, that was served upon the allottees by the DDA, was “not valid” and their leases were not cancelled by the DDA before initiating the eviction proceedings against them.

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8. At the stage of final hearing, Ms. Prabhsahay Kaur, learned standing counsel for the DDA, brought to the fore that the issues raised in the present petition already stand determined by this Court vide its decisions in Mangal & Ors. v. Union of India & Ors.¹ and Chander Bhan v. Delhi Development Authority², which petitions arise out of exactly



same facts as those contended herein. Ms. Kaur further placed on record a chart to show that some of the persons—namely Kude, Badri, Jagpat Ram and Prabhati— on whose behalf the present petition has allegedly come to be filed, are the predecessors-in-interest of some of the petitioners in Mangal (supra), thereby suggesting that the present petition is an abuse of the process of law as the same parties are attempting to re-agitate settled issues under the guise of successive petitions. The chart revealing the relation of the alleged allottees in the present petition with the petitioners in Mangal (supra) is reproduced hereinunder: ..

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10. Having heard the learned counsels for the parties and on perusal of the record, at the outset, it is evident that the present petition pertains to the same parcel of agricultural land and arises out of the same ejectment proceedings, as well as the subsequent appeal proceedings, which have already been comprehensively dealt with and adjudicated upon by this Court vide its decisions in Mangal (supra) and Chander Bhan (supra). Accordingly, the findings reached at by this Court in the abovesaid cases become squarely applicable to the present case.

11. At this juncture, it would be apposite to reproduce the relevant extract of the judgment dated 16.07.2024 passed by this Court in Mangal (supra), inter alia observing that there is no lease deed or rent receipt placed on the record by the



petitioners therein (who are the successors-in-interest of the petitioners herein) to support their claims of having legal and valid possession over the said agricultural land; thus holding that the judgment dated 18.11.1995 passed by the learned Appellate Authority was passed on the incorrect premise that the farmers in question had any right, title or interest in the said agricultural land. The same goes as under:...

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13. In view of the aforesaid discussion, this Court faces no hesitation in holding that the present petition constitutes a gross abuse of the process of law as evidently, the individuals on whose behalf the present petition has been filed have made it a habitual practice to repeatedly approach this Court by instituting multiple petitions, albeit under different guises, despite the cause of action and relief sought remaining totally identical.

14. Needless to state, the mere fact that the present petition has been instituted by the sons of the petitioners in Mangal (supra) does not give rise to a fresh cause of action in law. Such conduct demonstrates a blatant disregard not only for the sanctity of the prior decisions of this Court, but also for the principle of finality in litigation.

15. It is well ordained in law that the principle of res judicata applies to writ proceedings, thereby precluding the same parties or their successors-in-interest from re-litigating



issues that have already been conclusively determined by the writ Court. Permitting such successive petitions would not only burden this Court but also undermine the integrity of the writ jurisdiction under Article 226 of the Constitution of India, 1950.

16. In view of the foregoing discussion, this Court has no hesitation in holding that the persons being represented by the petitioner herein are rank encroachers with no legal right to continue to use and occupy the said agricultural land. It bears repetition that the said agricultural land falls within the ambit of the Zonal Development Plan for Zone 'O,' as sanctioned by the Ministry of Urban Development³, and as per the Master Plan for Delhi-2021, it is required to be rid of encroachments, in the larger public interest, in terms of the directions passed by the Supreme Court as well as the National Green Tribunal. This Court has also time and again held that pollution in the Yamuna River has reached a critical level, necessitating immediate and effective remedial action, and any further delay in efforts to restore and rejuvenate the River cannot be tolerated. Resultantly, the present writ petition stands dismissed for being devoid of any merits, and the petitioner is burdened with costs of Rs.10,000/- to be paid to the Delhi State Legal Services Authority, for filing a frivolous petition and wasting the precious time of this Court."

9. A perusal of the paragraphs, reproduced above, shows that identical



prayers urging similar contentions and regarding this very land, were filed before this Court and this Court, while providing a detailed reasoning, disregarded the order of the Appellate Tribunal and held that the petitioners are abusing the process of law and urging issues which have been settled since long. The Court also warned the occupiers of the land to refrain from re-litigating issues which have been conclusively determined by the writ Court and imposed a cost of Rs. 10,000/-.

10. The said judgment was challenged before the Hon'ble Division Bench by filing an LPA No. 256/2025, wherein vide order dated 17.04.2025 the Hon'ble Division Bench while waiving the cost put a note of caution to not only the association, its office bearers but anyone else associated with the society for not taking repeated legal action in respect of same cause of action. The relevant paragraphs from the said order read as under:-

“3. We, however, put a word of caution to the appellant/ society, its office bearers and anyone else associated with the society not to repeatedly take legal action in respect of the same cause of action, breach of which may be viewed seriously.”

11. There are similar judgments passed by this Court in ***Mangal & Ors. v. Union of India & Ors., W.P. (C) 7135/2019 dated 16.07.2024*** and ***Chander Bhan v. Delhi Development Authority, W.P. (C) 4587/2024 dated 16.07.2024***. Despite the same, the petitioners failed to appreciate repeated judicial pronouncements made by this Court.

12. As per the learned standing counsel for the respondent/DDA, the predecessors-in-interest of some of the petitioners were parties to the previous litigation, the same is denied by Mr. Rai, learned counsel for the



petitioners. Be that as it may, it is the duty of the petitioners to be aware that the issue in *lis* that has already been urged, agitated and attained finality till the Hon'ble Division Bench and this Court cannot be burdened with the same issue again and again because the petitioners so desire.

13. Even though it is stated that the predecessors-in-interest of the petitioners have a perpetual lease in their favour, on my query no perpetual lease have been shown to the Court.

14. For the said reasons, the present petition is dismissed with each of the petitioner paying Rs. 15,000/- as cost to Delhi High Court Legal Services Committee within 4 weeks from today and proof of cost shall be filed with the Registry, failing which the same shall be recovered as arrears of land revenue.

15. In view of the aforesaid, the present petition is dismissed, along with pending applications, if any.

JASMEET SINGH, J

AUGUST 3, 2026/AS

(corrected and released on 10.08.2026)