



\$~132 to 135 and 143

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

+ W.P.(C) 6729/2025, CM APPL. 30572/2025
(132) DR MUSHEER AHMAD KHANPetitioner
versus
DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

+ W.P.(C) 6731/2025, CM APPL. 30584/2025
(133) MUNNEY KHANPetitioner
versus
HEAD WORKS DIVISION AGRA CANAL OKHLA & ANR.
.....Respondents

+ W.P.(C) 6741/2025, CM APPL. 30626/2025
(134) KALEEMULLAH KHANPetitioner
versus
HEAD WORKS DIVISION AGRA CANAL OKHLA & ANR.
.....Respondents

+ W.P.(C) 6742/2025, CM APPL. 30629/2025
(135) NUZHAT ISMAILIPetitioner
versus
IRRIGATION DEPARTMENT, GOVT. OF UTTAR PRADESH &
ANR.Respondents

+ W.P.(C) 6777/2025 , CM APPL. 30720/2025
(143) SHAFAT ULLAH KHAN & ORS.Petitioners
versus
U P IRRIGATION DEPARTMENT & ORS.Respondents

Presence :- Mr. Vijay Nair and Mr. S. M. Ansar, Advocate for petitioner in item No.132.

Mr. Kamran Malik, Advocate along with Mr. Ashraf Farooqui,
Advocates for petitioner in Item Nos.133 and 134.

Mr. P. S. Bindra, Sr. Advocate along with Mr. Faizal Zafar, Mr.
Lovish Sharma, Mr. Syed Kamran Ali, Mr. Gobind Malhotra



and Mr. S. Ali, Advocates for petitioner in Item No.135.

Mr. Satish Kumar Tripathi, Advocate for petitioners along with petitioner no.1 in person in item No.143.

Mr. Sanjay Vashishtha Standing Counsel for MCD along with Mr. Siddhartha Goswami and Mr. Siddharth Karnawat. Advs for Respondent MCD in Item No.132 (through VC)

Ms. Shobhana Takiar, Standing Counsel, DDA along with Mr. Kuljeet Singh and Mr. Prateek Dhir, Advocates for DDA in Item No.132.

Ms. Sweety Singh, Advocate along with Mr. Ashwani (Patwari) for GNCTD in Item No.132.

Mr. Vivek Sharma Senior Panel Counsel with Ms. Prerna Singh advocates for PS Jamia nagar, Delhi police in item No.133 (through VC)

Mr. Anil Mittal, Advocate along with Mr. Rajendra J. (J.E.) and Mr. Sher Singh (Zildar) for Irrigation Department, Okhla, UP in Item Nos.133 to 135 and 143.

Ms. Deeksha Ladi Kakar, Advocate along with Ms. Prabhsahay Kaur, Standing Counsel for DDA and Ms. Sana Parveen, Mr. Bir Inder Singh and Mr. Rashneet Singh, Advocates for DDA in item No.143.

Mr. Badar Mahmood, SPC for Respondent No.2 in Item No.134.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

19.05.2025

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CM APPL. 30573/2025 (Exemption) in W.P.(C) 6729/2025

CM APPL. 30585/2025 (Exemption) in W.P.(C) 6731/2025

CM APPL. 30586/2025 (Exemption) in W.P.(C) 6731/2025

CM APPL. 30627/2025 (Exemption) in W.P.(C) 6741/2025



CM APPL. 30628/2025 (Exemption) in W.P.(C) 6741/2025
CM APPL. 30630/2025 (Exemption) in W.P.(C) 6742/2025
CM APPL. 30721/2025(Exemption) in W.P.(C) 6777/2025

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 6729/2025

W.P.(C) 6731/2025

W.P.(C) 6741/2025

W.P.(C) 6742/2025

W.P.(C) 6777/2025

3. The petitioners in the present petitions are aggrieved by Public Notice(s) issued by the Irrigation Department of the Government of Uttar Pradesh, pursuant to which, certain demolition action is proposed to be taken against properties/dwelling units [where the petitioners are presently residing] on account of the said properties/dwelling units allegedly being located on land which belongs to the Irrigation Department of the Government of Uttar Pradesh.

4. In W.P.(C) 6729/2025, W.P.(C) 6731/2025, W.P.(C) 6741/2025 and W.P.(C) 6742/2025, an identical public notice dated 09.05.2025 issued by the Irrigation Department of the Government of Uttar Pradesh which pertains to demolition action purported to be taken against properties/dwelling units located in Khasra No. 191 has been impugned and the same reads as under –



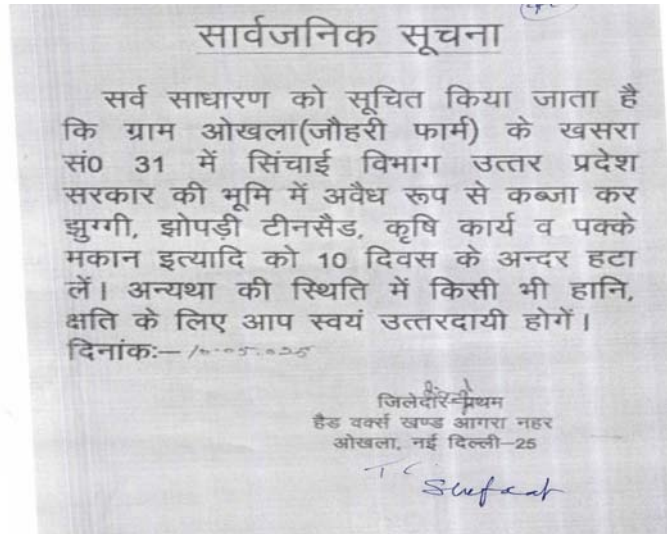
सार्वजनिक-सूचना

सर्व साधारण को सूचित किया जाता है कि ग्राम ओखला (जौहरी फार्म) के खसरा संख्या-192 में सिंचाई विभाग उत्तर प्रदेश सरकार की भूमि में अवैध रूप से कब्जा कर झुग्गी, झोपड़ी, टीनसैड व पक्के मकान इत्यादि को 10 दिवस के अन्दर हटा लें। अन्यथा की स्थिति में किसी भी हानि/क्षति के लिए आप स्वयं उत्तरदायी होंगे।

दिनांक:- 07.05.2025


निदेशक, सिंचाई विभाग
उत्तर प्रदेश सरकार
लखनऊ - 226002

5. It is contended by the learned counsel for the petitioners that the petitioners in these matters are in peaceful possession of their dwelling units which are located in Khasra No.191/193, Noor Nagar Extension, Phase-I, Okhla, Jamia Nagar.
6. In W.P.(C) 6742/2025, attention is also drawn to the fact that the Delhi Development Authority (DDA) has even issued a conveyance deed dated 16.05.2024 in favour of the petitioner therein (Smt. Nuzhat Ismaili).
7. In W.P.(C) 6777/2025, the public notice dated 10.05.2025 issued by the Irrigation Department of the Government of Uttar Pradesh pertains to demolition action purported to be taken in Khasra No. 31 and the same reads as under –



8. In this petition, it is contended that the petitioners are owners in possession of land(s) located in Khasra No. 39 in Revenue Estate of Village Okhla, South Delhi.

9. The petitioners have filed these petitions since the Irrigation Department of Government of Uttar Pradesh has issued public notice(s) threatening to take coercive action against the petitioners' dwelling units. It is submitted that the Irrigation Department, Government of Uttar Pradesh, has no authority to take any action in respect of the petitioners' dwelling units which are lawfully owned and possessed by them.

10. It is submitted that the petitioners approached the Irrigation Department, Government of Uttar Pradesh to inquire about the basis and authority of the Irrigation Department to issue the impugned public notice(s), however, the said department has refused to give any reason or the basis thereof.

11. Issue notice.

12. Learned counsel, as aforesaid, accept notice on behalf of the Irrigation Department, Government of Uttar Pradesh, Delhi Development Authority



(DDA), Government of NCT of Delhi (GNCTD), Municipal Corporation of Delhi and Delhi Police.

13. Learned counsel for the Irrigation Department, who appears virtually, submits that the land in question belongs to the Irrigation Department and the petitioners are all encroachers. However, it is conceded that apart from the public notice/s which have been pasted in the area, no specific notice much less an opportunity of hearing has been given to the petitioners (all of whom claim to have valid title documents in respect of their property) as regards the action proposed to be taken by it and the basis thereof.

14. Let a reply be filed by the Irrigation Department, Government of Uttar Pradesh within a period of 10 days from today.

15. In the meantime, the Irrigation Department, Government of Uttar Pradesh is restrained from taking any coercive action against the petitioners, till the next date of hearing.

16. List on 04.08.2025.

SACHIN DATTA, J

MAY 19, 2025/r