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

+ **W.P.(C) 7384/2025**

MAHAVIR SINGH

.....Petitioner

Through: Mr. Ashish Mohan, Sr. Adv. with Mr. Abhishek Kukkar, Mr. Kunal Chaudhary and Ms. Jahnvi Singh, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Shobhana Takiar, Standing Counsel with Mr. Kuljeet Singh, Mr. Prateek Dhir and Mr. Mr. Shivam Takiar, Advs. for DDA.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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26.05.2025

CM APPL. 33104/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7384/2025 & CM APPL. 33103/2025 (by the petitioner under Section 151 CPC seeking interim relief)

3. The present petition has been filed against the impugned notice dated 17.05.2025 whereby the alleged unauthorized occupants in Khasra Nos.118, 119, 111, 107 and 121 Village Maidangarhi, New Delhi-110067 have been requested to remove their unauthorized encroachment/construction within seven days, failing which necessary action will be taken against the same.



4. Mr. Ashish Mohan, learned Senior Counsel appearing on behalf of the petitioner, at the outset, submits that the petitioner is only concerned with Khasra No.118. He contends that, in fact, other khasra numbers are all vacant lands.

5. He further contends that the area is village *abadi* and the construction of the petitioner in the said khasra is protected by the provisions of Section 3 of National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011. He refers to Section 3(1)(c) of the said Act, which reads thus:

“3. Enforcement to be kept in abeyance.

(1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and Jhuggi-Jhompri clusters, hawkers and urban street vendors, unauthorised colonies, village abadi area (including urban villages) and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:

xxx

xxx

xxx

(c) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village abadi area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007.

6. Attention of this court has also been invited to the photographs placed at Annexure-P5 to the present petition to support the contention that the area was constructed prior to the year 1997.



7. He also refers to the layout plan of village extended *abadi* which has been submitted by Resident Welfare Association (RWA), Maidangarhi, Extension *Abadi*, South Side, New Delhi to the Urban Development, Department of GNCTD. He submits that Khasra No.118 falls within the said layout plan.
8. He, therefore, contends that the respondent/DDA cannot take action against the property of the petitioner which is comprised in Khasra 118.
9. In view of the above, issue notice. Ms. Shobhana Takiar, learned Standing Counsel appearing on behalf of the respondent/DDA accepts notice.
10. Ms. Takiar invites attention of the court to para 5 of the writ petition, to contend that it is an admitted case of the petitioner that land falling under Khasra No.118 was acquired *vide* Award No.23/1987-88.
11. She further contends that though, in the writ petition, it is alleged that physical possession of the land was never taken by the Land & Development Office (L&DO) and possession of the same is still with the original owner, the same is an incorrect statement made by the petitioner.
12. Ms. Takiar prays for time to seek instructions.
13. Let needful be done before the next date.
14. Re-notify on 29.05.2025.
15. The prayer for interim relief will be considered on the next date.

VIKAS MAHAJAN, J

MAY 26, 2025/aj