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

+ **W.P.(C) 8249/2025**

BAL KISHAN GUPTA

.....Petitioner

Through: Mr. Sermon Rawat, Mr. Vikas Rathee
and Ms. Aastha Vishwakarma, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

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

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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30.07.2025

CM APPL. 36010/2025

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

W.P.(C) 8249/2025 and CM APPL. 36009/2025

3. The present petition has been filed by petitioner seeking following reliefs:

“a) Issue a writ of mandamus or any other appropriate writ, direction or order thereby directing the Respondent to provide relevant records/documents on the basis of which the Respondent claims that the property of the Petitioner falls within the category of Nazul land before carrying any further/future proceedings including but not limited to demolition of property no. T-5139-A-1, Pusa Road, Karol Bagh, New Delhi.

b) Issue a writ of certiorari quashing the Show-cause notice no. L.M./LAND/0025/2023/TN/MISC-O/O DD(CENTRAL



DISTRICT)/180 dated 02/05/2025 issued by the Respondent”

4. Mr. Sermon Rawat, learned counsel appearing on behalf of petitioner invites attention of the Court to a judgment of the Coordinate Bench of this Court dated 31.01.2024 passed in W.P.(C) 10285/2005 to state that qua the same property, petitioner had preferred a writ of prohibition restraining respondent/DDA from demolishing the property in question.

5. He further invites attention of the Court to findings returned by this Court in Para 35 and 36 of the said judgment, to submit that respondent DDA has not been able to conclusively show that land belonged to the Government. The relevant excerpt from the said judgment reads thus:

“35. Further, the respondent-DDA has not been able to conclusively show that the land belonged to the government. It is stated by the respondent-DDA that the property bears Khasra No. 858/767 and the same is part of the Southern Ridge Revenue Estate, which is Nazul Land under the management and control of the respondent and covered under the Agreement of 1937 (between the Government and the Delhi Improvement Trust in regard to the administration of certain government property). However, a perusal of the documents annexed by the respondent shows that there is no specific description of the composition of Southern Ridge in the Agreement of 1937. Thus, there is nothing on record to show that the property forms part of Nazul Land.

36. Hence, the title of the property is left to be adjudicated in proceedings before the appropriate forum, if and when initiated by the parties. The fact remains that at the time the demolitions were carried out, the petitioner was in settled possession of the premises.”

(emphasis supplied)

6. He submits that even today position noted in above excerpts from the judgment dated 31.01.2024 remains unaltered. However, respondent/DDA



has issued a notice dated 02.05.2025 to afford a personal hearing to petitioner and to show cause as to why property of petitioner which is alleged to be an encroachment be not demolished.

7. He submits that till date the documents on the basis of which DDA is claiming its right over the land have not seen light of the day.

8. In view of above, issue notice.

9. Ms. Shobhana Takiar, learned counsel appearing on behalf of respondent/DDA accepts notice. Let counter-affidavit be filed within a period of three weeks. Rejoinder thereto within one week thereafter.

10. Re-notify on 03.09.2025.

11. In the meanwhile, respondent/DDA is directed not to take any coercive action against the petitioner.

VIKAS MAHAJAN, J

JULY 30, 2025/jg