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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 151/2016 & CM APPL. 13139/2024, CM APPL. 13143/2024

CORRUPTION REMOVAL SOCIETY (REGD) Petitioner

Through: Mr. Jitender Mohan Sharma, Sr. Adv.
with Mr. Amrit Pradhan, Mr. A.
Renganath, Mr. Akshat Sharma, Mr.
Ajit Sharma, Advocates for
applicant(M:8729041636)

versus

KEWAL KISHORE SHARMA Respondent

Through: Mr. Anuj Aggarwal, ASC-GNCTD
with Ms. Arshya Singh, Mr. Yash
Upadhyay, Mr. Siddhant Dutt,
Advocates (M:9891363718)
Ms. Pragati Singh, Advocate for Mr.
Prabhsahay Kaur, SC for DDA
(M:8171798389)

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
01.03.2024

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CM APPL. 13139/2024 & CM APPL. 13143/2024

1. The present applications have been filed on behalf of the applicant under Order I Rule 10(2) read with Section 151 of Code of Civil Procedure, 1908 ("CPC") for impleadment in the present petition and for stay against the order dated 21st February, 2024 passed in the present proceedings.
2. Learned Senior Counsel for petitioner submits that in the garb of the order dated 21st February, 2024, wherein this Court had recorded that a meeting had been carried out under the Chairmanship of Commissioner



(Land Management) DDA and directions had been issued for the purposes of removal of encroachment, the petitioner's property is sought to be demolished, which is not in the form of any encroachment and is a private property.

3. Learned Senior Counsel for applicant submits that the applicant and his ancestral family has been living in House No. 335, Lado Sarai Village, New Delhi – 110030 since the year 1959. He submits that a temporary dwelling house was constructed in the year 1959-60 and subsequently, a residential house was constructed in the year 1990 and four shops were also opened on the said land by the applicant's family.

4. Learned Senior Counsel for petitioner has also drawn the attention of this Court to judgment dated 08th April, 2013 passed in *Suit No. 764/2012* to submit that the contention that the land of the applicant herein was situated on a public road was rejected in the said petition. He further draws the attention of this Court to the order dated 08th September, 2014 passed in *W.P.(C) 5409/2013*, wherein learned Single Judge of this Court had dismissed the petition thereby directing the parties to approach the Civil Court and lead evidence to prove their case. Thus, it is submitted that there is no judicial order holding the property of the petitioner to be situated on a right of way or a public land.

5. Learned Senior Counsel for petitioner has further drawn the attention of this Court to the order dated 24th February, 2015 passed by the Division Bench in *LPA No. 694/2014*, in order to submit that the only direction given to the respondents was to treat the writ petition, from which the appeal had arisen, as a complaint of encroachment and take appropriate action for removal of encroachment.



6. He further submits that the action which is sought to be taken on the land of the applicant, is untenable as the same is a private land and is not in the nature of any encroachment. He further submits that any demarcation that may have been carried out by the respondent-authorities, was done without issuance of any notice to the applicant and that the applicant was never made a party to the said demarcation proceedings. He further submits that the applicant shall seek his appropriate remedies to challenge the said demarcation report and proceedings.

7. Issue notice. Notice is accepted by learned counsel appearing for the respondents.

8. Let reply be filed within a period of three weeks. Rejoinder thereto, if any, be filed within a period of three days thereafter.

9. Considering the submissions made before this Court, it is directed that no demolition action shall be taken on the property of the applicant viz. House No. 335, Lado Sarai Village, New Delhi – 110030, till the next date of hearing.

10. Re-notify on 27th March, 2024, i.e., the date already fixed.

MINI PUSHKARNA, J

MARCH 1, 2024

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