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

+ **CS(OS) 798/2023**

IQBAL BAHADUR SINGH

..... Plaintiff

Through: Mr. Ajay Verma, Sr. Advocate
with Mr. Abhay Gahlot and Mr.
Arjun Gupta, Advocates.

versus

UNION OF INDIA & ORS.

..... Defendants

Through: Mr. Anupam Srivastava, ASC
GNCTD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.03.2024

I.A. 24011/2023 (for exemption)

The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

The application stands disposed of.

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1. The plaintiff seeks a declaration that he is the lawful owner of the suit land [*land admeasuring 58 Bighas comprising in Khasra Nos.903 (4-16), 904 (4-16), 905 (4-16), 906 (4-16), 914 (4-16), 915 (4-16), 916 (4-16), 917 (4-06), 927 (4-16), 928 (4-16), 929 (4-16), 930/1 (2-10) and 930/2 (2-06) situated in the Revenue Estate of Village Qadipur, Delhi*] by virtue of adverse possession. He also challenges the validity of an

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allotment letter dated 18.05.2015, issued by the Gaon Sabha, Village Quadipur in favour of the Directorate of Education, Government of NCT of Delhi. The plaintiff also seeks a decree of possession of the suit land and a permanent injunction.

2. Mr. Anupam Srivastava, learned counsel, appears for defendant Nos.2 and 3 on advance notice and submits that the suit is barred by limitation. At this stage, he states that the defendant Nos.2 and 3 reserve their right to take this ground in their written statement and by way of an appropriate application, as they may be advised.

3. The plaint be registered as a suit. Issue summons to the defendants. Mr. Srivastava waives formal service of summons on behalf of defendant Nos. 2 and 3. Service upon defendant No.1 – Union of India may be effected through Central Government Standing Counsel.

4. Written statements may be filed by defendant Nos. 2 and 3 within thirty days from today and by defendant No.1 within thirty days after service. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.

5. The plaintiff is at liberty to file replications thereto within fifteen days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.

6. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

7. Any party seeking inspection of documents may do so in



accordance with the Delhi High Court (Original Side) Rules, 2018.

8. List before the Joint Registrar on 13.05.2024 for completion of service and pleadings, admission/denial of documents and marking of exhibits.

9. List before the Court on 08.08.2024.

I.A. 24010/2023 (injunction), I.A. 24012/2023 (exemption from serving the statutory notice under Section 80 CPC) & I.A. 24013/2023 (condonation of delay)

1. Issue notice. Mr. Srivastava accepts notice on behalf of defendant Nos. 2 and 3. Service upon defendant No.1 – Union of India may be effected through Central Government Standing Counsel.

2. Replies to the applications may be filed by defendant Nos. 2 and 3 within four weeks from today, and by defendant No. 1 within four weeks after service. Rejoinders thereto, if any, be filed within two weeks thereafter.

3. Any construction raised upon the suit land, until a decision on these applications, will not give rise to any special equities in favour of the defendants.

4. List before the learned Joint Registrar on 13.05.2024 for completion of service and pleadings.

5. List before the Court on 08.08.2024.

PRATEEK JALAN, J

MARCH 18, 2024

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