



\$~67

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10717/2025 & CM APPL. 44349/2025
GRAM PUSTENI POCHANPUR EXTENSION RESIDENTS
WELFARE ASSOCIATION THROUGH ITS GENERAL
SECRETARYPetitioner

Through: Mr. Rajesh Yadav, Sr. Adv. with Mr.
Ved Pal Rana, Mr. Bhuvan Tomar,
Mr. Nirmatya Shukla and Ms.
Bhawana, Adv.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Mr. Arjun Mahajan, SC for DDA
with Mr. Apoorv Upmanyu, Adv.
Mr. Shiven Varma, Adv. for GNCTD.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
01.08.2025

1. The present petition has been filed seeking direction thereby quashing and setting aside action of demolition conducted/undertaken by the respondent on 25.06.2025 in the colony namely, Gram Pusteni Pochanpur Extension in *khasra* nos. 12/19 (4-16), 12/20/1 (0-07), 12/22 (4-16) and 12/23/1 (1-12) [hereinafter referred to as 'Pochanpur Extension'].
2. Mr. Rajesh Yadav, learned Senior Counsel for the petitioner submits that the land on which Pochanpur Extension had come up was originally owned by Attar Singh and Ram Phal sons of Late Sh. Lakhi Ram, who were the *Bhumidhars* of the area measuring 21 bighas and 03 biswas. In support of his contention, Mr. Yadav has taken the Court through the *khatauni* of



Village Pochanpur for the year 2002-2003.

3. He submits that the said land of Attar Singh and Ram Phal was notified by the respondent no.1/DDA under Section 12 of the DDA 1957 *vide* notification dated 14.02.1969, however, subsequently, it was de-notified *vide* notification dated 22.01.2002. Referring to the notification dated 22.01.2002, Mr. Yadav submits that Pochanpur Extension was in existence as on 22.01.2002, as it finds mention in the said notification.
4. He submits that the land on which Pochanpur Extension had come up, was notified under Section 4 of the Land Acquisition Act, 1894 on 13.12.2000 and the declaration with regard to the same was issued under Section 6 of the Act on 07.12.2001.
5. Aggrieved by the said notification/declaration, the original owners namely, Attar Singh and Ram Phal had filed a writ petition before this Court being CWP 4721/2002. He invites attention of the Court to para 20 of the said petition to contend that the reference to Pochanpur Extension also finds mention therein.
6. Referring to the order dated 06.08.2022 passed by the Hon'ble Division Bench in the said writ petition, Mr. Yadav contends that noting the fact that Pochanpur Extension is pending consideration for regularisation, the Court had directed to maintain *status quo* as regard with the possession of the said property.
7. Further, referring to the possession proceedings with regard to the Pochanpur Extension, Mr. Yadav contends that possession of land on which the said colony is constructed, was not taken on account of the stay operating *vide* order dated 06.08.2002 passed in CWP 4721/2002.
8. Mr. Yadav has also taken the Court through the Regulations for



Regularisation of Unauthorised Colonies notified by the respondent no.1/DDA vide notification dated 24.03.2008 to contend that the Clause No.3.3(c) thereof provides that the unauthorised colony where habitation is more than 50%, shall be considered for the purpose of regularisation.

9. He submits that the said Regulations of 2008 also provides the procedure for regularisation, which was complied with by the residents' association of Pochanpur Extension.

10. He submits that residents' association of Pochanpur Extension had accordingly applied for regularisation and a certificate of provisional regularisation that was issued shows that the petitioner colony was registered Reg.No.1419. To buttress his contention, the attention of the Court has been drawn to Annexure P-20 which is a provisional regularisation certificate dated 17.09.2008 issued by the Joint Secretary (Urban Development) and countersigned by the Urban Development Minister, Govt. of NCT of Delhi.

11. Mr. Yadav further refers to the National Capital Territory of Delhi (Recognition of Property Rights of Residence in Unauthorised Colonies) Act, 2019 to contend that unauthorised colony has been defined under Section 2(b) thereof, to mean the colony which was identified for regularisation by way of notification dated 24.03.2008 (supra).

12. He contends that Section 3 of the 2019 Act also confer the powers on the Central Government to regularise the sale transactions based on GPA etc. with regard to the immovable properties in the colonies proposed to be regularised.

13. He submits that Regulations of 2008 were subsequently superseded by the National Capital Territory of Delhi (Recognition of Property Rights



of Residence in Unauthorised Colony) Regulations 2019. He submits that the Regulation (3)(2)(ii) of the said Regulations provide that the category of land which has been acquired, but in respect of which no compensation has been deposited by the acquiring agency will be considered for regularisation. He submits that in respect of the land on which Pochanpur Extension has come up, no compensation was paid by the acquiring agency to the original owners namely Attar Singh and Ram Phal.

14. He further refers to Annexure 2 to the Regulations of 2019 which is a list of colonies those were identified for regularisation in terms of 2008 Regulations.

15. Taking the Court through the said list, Mr. Yadav submits that the name of Pochanpur Extension, which was subsequently changed to Gram Pustani Pochanpur Extension, Delhi, 110045, finds mentioned in the said list at Serial No.1417 with its Registration No. 1419.

16. He, therefore, contends that present colony is in the list of the colonies which have been identified for the purpose of regularisation.

17. He also refers to one conveyance deed which has already been executed by the respondent no.1/DDA in favour of one of the residents of Pochanpur Extension, which is annexed as Annexure P-28 to contend that the respondent no.1/DDA has recognised the status of the colony in question for the purpose of regularisation, in terms of Regulations of 2019.

18. In view of the above, issue notice.

19. Mr. Arjun Mahajan, learned counsel for the respondent no.1/DDA accepts notice. Likewise, Mr. Shiven Sharma, learned counsel for the respondent no.2/GNCTD accepts notice.

20. Mr. Mahajan invites attention of the Court to the judgment of the



Hon'ble Supreme Court dated 17.05.2024 passed in batch of Civil Appeals, to submit that *vide* said judgment, the Civil Appeals preferred by the respondent no.1/DDA were allowed. The said Civil Appeals were preferred against the decision of this Court in the batch of writ petitions whereby this Court had declared that the acquisition of land including that of Attar Singh and Ram Phal, had lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, the Hon'ble Supreme Court *vide* judgment dated 17.05.2024 set aside the judgment of this Court, and upheld the acquisition, and further gave direction to take physical possession of the land falling in List E-2.

21. He submits that the case of the original owners i.e. Attar Singh and Ram Phal titled as ***DDA vs. Attar Singh and Anr***, finds mention at Serial No.200 of the said list E-2.

22. Mr. Yadav, on the other hand submits that the residents' of Pochanpur Extension are protected by virtue of Section 3(2) of the National Capital of Territory of Delhi Laws (Special Provisions Act), Second Act, 2011 which provides that the government is to maintain *status quo* with regard to the unauthorised colonies notwithstanding any judgment, decree or order of any Court.

23. This Court is of the view that the matter requires consideration. Let counter affidavit be filed by the respondents within eight weeks. Rejoinder thereto, be filed before the next date.

24. In the meanwhile, it is directed that *status quo* be maintained by the respondents with regard to the possession and any other construction activity over the land, till the next date.



25. Likewise, the petitioners are also restrained from carrying out any further construction.

26. List on 21.11.2025.

AUGUST 1, 2025/dss

VIKAS MAHAJAN, J