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

+ **W.P.(C) 11977/2024**

RAKESH GULIYA AND ORS.

.....Petitioner

Through: Mr.R.K.Bhardwaj, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS.

.....Respondents

Through: Mr.Tushar Sannu, SC for DDA.
Ms. Tajinder Viridi, Standing
Counsel for Respondent
No.5/MCD.

Mr.Sanjay Kumar Pathak, SC
for R-3/LAC.

Mr.Anushka, Advocate for
Chief Secretary.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **30.08.2024**

CM APPL. 49842/2024 – EXMP.

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 11977/2024, CM APPL. 49843/2024 CM APPL. 49844/2024

3. The petitioner is invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India seeking certain directions against the respondents.

4. Learned counsel for MCD, DDA, LAC as well as GNCTD are present on advance notice.



5. Having heard learned counsel for the parties, it is brought out that the petitioner challenged the acquisition proceeding in respect of the land falling in khasra No.1125/1060/895/248 measuring 21 bigha 4 biswas situated in revenue estate of village Haiderpur, Shalimar Bagh, Delhi in WP(C) No.2762/1986 tilted as **Ramkrishan v. Union of India**, which was decided by the Division Bench of this Court vide judgment dated 22.08.1990, and the acquisition proceedings were quashed.

6. Learned counsel for the petitioner has submitted that the subject land is a private property of the petitioner, however, the same is surrounded by land/properties which belong to the DDA, and the latter has stopped ingress and egress to their property by putting up locks from the passage which is earmarked to have access to their land.

7. *Per contra* learned counsel for DDA has submitted on instructions that possession of the subject land is with the DDA for last 30 years which is being used as green area wherein trees have also been planted by the DDA. He requests time to seek instructions.

8. The issue raised by learned counsels for the parties requires deeper examination.

9. Issue notice. Notice is accepted by the counsels present.

10. Let replies be filed within six weeks from today.

11. Renotify on 19.12.2024.

DHARMESH SHARMA, J.

AUGUST 30, 2024/VLD