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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 885/2023 LA. No. 26312/2023, I.A. No. 4792/2024 & I.A.
Nos. 10437/2024 & 38886/2024
BHISHAM KUMARPlaintiff

Through:

versus

UNION OF INDIA & ORS.Defendants

Through: Mr. Piyush Beriwal, Mr. Sandip
Munian, Ms. Jyotsna Vyas
Advocates for D-1
Ms. Kritika Gupta & Ms. Urvashi,
Advs. for D2 / DDA (thru VC)
Mr Tushar Sannu, Standing Counsel,
MCD with Mr Harsh Yadav,
Advocate for D3/MCD

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
09.01.2025

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I.A. 351/2025 (under Order VII Rule 11 CPC)

1. This application has been filed by defendant no.2 (DDA) for rejection of the plaint.
2. The suit was filed by the plaintiff seeking declaration in favour of the plaintiff as owner of the suit property / land measuring 700 sq. yards, part of Khasra No.291, Village Lado Sarai, New Delhi – 110030.
3. It transpires, as per defendant no.2, that the said land stands acquired by the State vide Award No.36/1980-81 after due process of law and notification under Section 4 dated 13th November 1959 and under Section 6 dated 16th May 1966. Pursuant to notice issued under Section 9 & 10 of the



Land Acquisition Act, the Land Acquisition Collector (LAC) passed the said Award. The total extent of the land under Award of Khasra No.291, is 12 *bighas* and 13 *biswas*.

4. Counsel for defendant no.2 as also of defendant no.3 MCD state that the land in question is being used as a public park and a boundary along the same has been constructed by the DDA and the said property is in possession of MCD. The plaintiff was never in possession of the suit land and accordingly, does not have a cause of action and therefore, the plaint be rejected.

5. Accordingly, notice of this application be served upon Dr. Ajay Chaudhary, Advocate for the plaintiff by counsel for defendant no.2, for 1st April 2025. Response by the plaintiff *qua* this application be filed within 4 weeks with advance copy to the opposing counsel.

6. List before this Court for disposal of this application on 1st April 2025.

CS(OS) 885/2023

1. List before the Joint Registrar (Judicial) on 16th January 2025, the date already fixed.

2. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 9, 2025/sm