

# Village Pushteni Kishangarh Residents ... vs Union Of India & Ors on 18 May, 2023

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
W.P.(C) 6725/2023 & CM APPLs. 26300/2023  
VILLAGE PUSHTENI KISHANGARH RESIDENTS  
WELFARE ASSOCIATION

Through: Mr. Dinesh Agn  
with Mr. Mohit  
Advocate

versus

UNION OF INDIA & ORS.

Through: Mr. Anurag Ahl  
with Mr. Abhig  
Advocate (M:98  
Ms. Hetu Arora  
GNCTD with Ms.  
Nailwal, Mr. A  
Advocates for  
(M:9873725564)  
Mr. Sanjay Kat  
Counsel for DD  
Mr. Nihal Sing  
(M:8920345880)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA  
ORDER

% 18.05.2023 [Physical Hearing/ Hybrid Hearing] CM APPL. 26301/2023 (under Section 151 CPC)

1. Allowed, subject to just exceptions.

2. Application is disposed of.

W.P.(C) 6725/2023 & CM APPL. 26300/2023

3. The present writ petition has been filed with prayer for restraining the respondents from either demolishing or dispossessing This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 24/09/2023 at 14:27:49 the members of the petitioner association from their respective premises/ properties inside the colony known as Village Pushteni Kishan Garh, Vasant Kunj, New Delhi having its registration No. 115.

4. The members of the petitioner association are stated to be owners and in possession and

enjoyment of their respective piece of land/ plots/ houses in the colony known as Village Pushteni Kishan Garh, Village Kishan Garh, Vasant Kunj, New Delhi.

5. It is submitted that the petitioner is aggrieved by the illegal acts of the respondents, more particularly respondent No.5 for threatening the members of the petitioner association to dispossess the residents of colony in question from their respective houses/structures and demolish the structures inside the boundary of the unauthorized colony of the petitioner association.

6. It is submitted that the houses belonging to the members of the petitioner association are protected in terms of the provisions of National Capital Territory of Delhi Law (Special Provision) Second Act, 2011, which has now been extended till 31.12.2023.

7. Ld. Senior Counsel for the petitioner has relied upon the application submitted on behalf of the petitioner for regularisation of the colony in question.

8. Ld. Senior Counsel for petitioner relies upon the letter dated 11.09.2007 issued by the Land and Building Department, Govt. of NCT of Delhi, wherein it has been stated that in view of the policy decision to regularise certain unauthorized colonies, any land falling within the boundaries of such colonies, as per the survey which has been carried out by Divisional Commissioner, will not be taken over. This is a digitally signed order.

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9. Further, Ld. Senior Counsel has relied upon the list of unauthorised colonies to be regularised, where the name of the colony in question is listed at Serial No. 107. Ld. Senior Counsel has also relied upon the provisional certificate of regularisation issued by respondent No.2 dated 17.09.2008. Ld. Senior Counsel further relies upon the Gazette Notification No. 638 dated 29.10.2019, wherein the colony in question has been shown at Serial No. 117 in the list of unauthorised colonies to be regularised.

10. Ld. Senior Counsel has also relied upon the Map No. 460 uploaded by the Delhi Development Authority (DDA) on its website. In the said map, the DDA has delineated the boundaries of unauthorised colonies after carrying out the survey. Thus, it is submitted that the areas which are shown within blue line as occurring in the map attached as Annexure P-8 with the petition are protected and no action can be taken against the properties of the members of the petitioner association.

11. The matter needs consideration.

12. Issue notice. Notice is accepted by respective counsels.

13. Ld. Standing Counsel for Delhi Development Authority (DDA) at the outset submits that at the time of regularisation of any colony, no rights would be granted with respect to any plot of land which is lying vacant, as per the policy of the Government. He further submits that the rights of the residents shall be recognised only for residential purposes and no recognition would be granted as far as commercial user of the property is concerned. He further submits that the said This is a digitally signed order.

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14. In rejoinder, ld. Senior Counsel for petitioner submits that he does not dispute the submissions as made on behalf of the DDA. He further submits that he is relying upon the Map of the DDA which has been uploaded by the DDA on its website, which also includes colony in question.

15. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

16. Considering the submissions made before this Court, the respondents are restrained from demolishing and dispossessing the residences of the members of the petitioner association from their respective premises/properties inside the colony known as Village Pushteni Kishan Garh, Village Kishan Garh, Vasant Kunj, New Delhi, till the next date of hearing.

17. It is clarified that the restraintment order is only qua the built up properties as existing on 01.01.2015, in terms of the submissions as made on behalf of the ld. Standing Counsel for DDA.

18. List for hearing on 22.09.2023.

19. Order Dasti under the signatures of the Court Master.

MINI PUSHKARNA, J MAY 18, 2023 au This is a digitally signed order.

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