

# **Zile Singh vs Dr Monica Priyadarshini Ias & Ors on 9 January, 2023**

**Author: Manmeet Pritam Singh Arora**

**Bench: Manmeet Pritam Singh Arora**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
CONT.CAS(C) 1332/2022 & CM APPL. 52515/2022  
ZILE SINGH

Through: Mr. Arun Maitri  
Advocates.

versus

DR MONICA PRIYADARSHINI IAS & ORS. .... Resp

Through: Mr. Anupam Srivastava, ASC for  
GNCTD with Mr. Ujjwal Malhotra  
Advocates

Ms. Beenashaw N. Soni, SC for  
SDMC with Ms. Mansie Bhatia, M  
Pratyush Bhardwaj, Advocates.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA  
ORDER

% 09.01.2023 CM APPL. 52516/2022 (For Exemption) Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of. CONT.CAS(C) 1332/2022

1. Learned standing counsel for Respondent No. 2 states that she has filed her status report dated 05.01.2023. She is directed to have the same place on record forthwith.

2. She has handed over a copy of the said status report and drawn this Court's attention to averments made in the Paragraphs Nos. 8, 9 and 10, which reads as under:-

"8. That as per record, immediately upon receiving the copy of the impugned order dated 02/06/2021 as passed in WP(C) No. 5718/2021 titled as "Zile Singh VS. Govt. of NCT of Delhi & Ors." Considering the observations of the Hon'ble High Court and directions contained therein the answering respondent immediately sent a letter to Deputy Director, Land Management- I & II, DDA Vikas Sadan vide bearing No. D/351/AE(B)-II/Bldg/SZ/2021 dated 10/06/2021 with the request to take necessary action in the matter since as per available information the portion of land under reference falls within the jurisdiction of DDA, it has already been declared as urban area and is at disposal of DDA. The copy of the letter sent in this regard is annexed herewith as Annexure-A.

9. That further a detailed letter has also been sent to SDM, Saket/Convener STF vide bearing No. D/660/EE(B)-II/SZ/2021 dated 19/07/2021 requesting therein to take up the issue with DDA and Forest Department (being land owing agency) for removal of encroachment from Gaon Sabha Land/Forest Land of village Asola so as to comply with the orders of the Hon'ble High Court dated 02/06/2021 as passed in WP(C) No. 5718/2021. The copy of the letter alongwith enclosures as sent in this regard and also notification dated 20/11/2019 are annexed herewith as Annexure-B(Colly).

10. That besides above, another letter bearing No. D/3244/AE(B)- I/Bldg/SZ/2022 dated 01/12/2022 has also been sent to DDA, Forest Department and SDM Concerned with the request to take necessary action in the matter, in light of the order dated 02/06/2021 of the Hon'ble High Court as passed in Zile Singh VS. Govt. Of NCT of Delhi & Ors., High Court matter. Copy of the said letter sent in this regard is also annexed herewith as Annexure-C."

3. She states that though Village Asola, Delhi, which is the subject matter of the present petition was urbanised on 20.11.2019, and subsequently, on 25.09.2020 a notification was issued under Section 22(1) of Delhi Development Act, 1957 vesting the land in DDA. She states with vesting of the land in DDA, Municipal Corporation of Delhi has no authority/jurisdiction to enter upon the said land for removing encroachments of unauthorized constructions. She states that the only statutory authority which can take these steps is DDA.

4. Learned counsel for Respondent no. 1 appearing for the District Magistrate also confirms the said submissions made by Respondent no. 2 and reiterates that since the land vest with DDA, Sub-Divisional Magistrate (SDM) as well has no jurisdiction over the said land for the purpose of entering the land for removing encroachments and demolition.

5. Learned counsel for the Respondent states that the directions, if any, in the writ petition ought to have been sought by the Petitioner against DDA, which was the impleaded as respondent no. 6 in the said writ petition, and not MCD herein. She further points out that DDA is not a party in the present proceedings.

6. However, a perusal of the order dated 02.06.2021 shows the fact that the land vests in DDA or that the jurisdiction, if any, for removal of encroachments vests only with DDA was not brought to the attention of the Court, when the order dated 02.06.2021 was passed in the writ petition.

7. Learned counsel for Respondent No. 2, states that MCD will move and appropriate application in the writ petition bringing the said facts to the attention of this Court.

8. Learned counsel for the Petitioner seeks time to examine the status report filed by the MCD and to take steps, if any, required to be taken by the Petitioner.

9. List on 20.04.2023.

MANMEET PRITAM SINGH ARORA, J JANUARY 9, 2023/rhc