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

\+ **W.P.(C) 12007/2025**

Date of Decision**: 12.02.2026**

IN THE MATTER OF:

LITTLE CHILDREN EDUCATION SOCIETY .....Petitioner

Through: Mr. Sameer Rohatgi, Mr. Namit Suri, Ms. Pepakayala Geetanjali, Mr. Anish Singh, Advocates

versus

UNION OF INDIA & ORS. .....Respondents

Through: Ms. Avshreya Pratap Singh Rudy, (CGSC), Mr. Ankit Khatri, Ms. Usha Jamnal and Ms. Nyasa Sharma, Advocates for UOI.
Mr. Siddhant Nath, Standing Counsel, with Mr Amaan Khan, Mr Bhavishya Makhija, Advs for MCD.
Ms. Deeksha L. Kakar, Mr. Rashneet Singh, Ms. Sana Parveen, Advocates for R-3/ STF.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The Petitioner - Society was allotted a parcel of land admeasuring 0.60 acres situated at Sector-12, R.K. Puram, New Delhi (Property ID No.

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28227) by Respondent No.1, vide allotment letter dated 21.02.1995 for construction of a Nursery School building. Pursuant to which a Memorandum of Agreement dated 26.07.1999 was also executed between the Petitioner and Respondent No.1.

2. It is the case of the petitioner that a portion of the said land admeasuring 127' x 58' has been illegally encroached upon and continues to remain under unauthorized occupation of Respondent No.2, thereby depriving the Petitioner of its right to utilize the allotted property.

3. Aggrieved by the alledged continued illegal occupation and inaction on the part of the respondents, the petitioner had earlier approached this Court by way of W.P.(C) 5422/2023, which was disposed of vide order dated 09.09.2024, granting liberty to the petitioner to approach the Special Task Force for redressal of its grievance. Pursuant thereto, the petitioner submitted a complaint dated 13.09.2024 to the Special Task Force, however, as per the petitioner no effective steps have been taken till date to remove the encroachment or to restore the possession of the illegally occupied portion of the Petitioner's property.

4. Various submissions have been made by learned counsel appearing for the petitioner to emphasise that earlier the Court directed the respondent no.3 - Special Task Force, to consider the petitioner's grievance and to pass appropriate orders. He points out that if the response filed by the Union of India is looked into, it would unequivocally depict that the land is not owned by the Municipal Corporation of India ('MCD') and the MCD is in its illegal possession.

5. It is further submitted that despite the aforesaid position, the MCD is not handing over the vacant possession of the land. The petitioner,

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therefore, has prayed for the following reliefs:

> "*a. Pass a writ in the nature of mandamus or any other appropriate writ, order seeking directions to Respondent no. 1/UOI & Respondent No. 3/STF to facilitate peaceful handover and vacant possession of the illegally occupied portion of Petitioner's property measuring 127' x 58' situated at Sector 12, R.K. Puram, New Delhi (property id no. 28227) in view of their acknowledgements in W.P(C) 5422 of 2023 to the effect that the Petitioner is the owner of the aforesaid property and the Respondent No.2's is the illegal occupant of the aforesaid Petitioner's property to the Petitioner free from encumbrances and encroachments at the instance of Respondent no. 2/MCD;*
>
> *b. Pass a writ in the nature of mandamus or any other appropriate writ, order seeking directions to Respondent no. 2/MCD to handover peaceful and vacant possession of the aforesaid property in view of the stand taken by the Respondent No. 1 in the W.P.(C) 5422 of 2023 to the effect that the Petitioner is the owner of the said property measuring 127' x 58' situated at Sector 12, R.K. Puram, New Delhi (property id no. 28227) and the Respondent No.2's is the illegal occupant of the aforesaid Petitioner's property;*
>
> *c. Pass any other/further relief or orders as this Hon'ble Court may deem fit in favour of the Petitioner and against the Respondents in view of the facts and circumstances of the present case*."

6. The stand of the MCD is that the claim of the petitioner over the land in question is barred by limitation. According to the MCD, the petitioner seeks for recovery of the possession of immovable property which is governed by Article 64 and 65 of the Limitation Act, 1963, providing a limitation period of 12 years. It is also stated that as per the petitioner, the land was allotted to the petitioner on 21.02.1995, whereas, the Corporation is in possession of the said land prior to the aforesaid allotment.

7. Having considered the submissions made by the parties and the material available on record, the Court finds that the dispute involved in the instant writ petition is of civil in nature.

8. The Supreme Court in the case of ***State of Rajasthan v. Bhawani***

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Singh & Ors.[1] has held as under:

> *7. Having heard the counsel for the parties, we are of the opinion, that the writ petition was misconceived insofar as it asked for, in effect, a declaration of writ petitioner's title to the said plot. It is evident from the facts stated hereinabove that the title of writ petitioner is very much in dispute. Disputed question relating to title cannot be satisfactorily gone nto or adjudicated in a writ petition.*

9. The rights which relates to the land in question between the petitioner and the MCD can be adjudicated only after the parties are allowed to adduce the oral and documentary evidence. The present petition, in substance, seeks adjudication of the petitioner's alleged title and consequential recovery of possession of the said property. Such questions cannot be satisfactorily adjudicated in proceedings under Article 226 of the Constitution of India. The Court, refrains from adjudicating such disputed questions concerning civil rights, title, and possession of immovable property, which are more appropriately within the province of the competent civil court.

10. The petition thus fails and is dismissed. Liberty stands reserved in favour of the petitioner to take appropriate recourse if any in law.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 12, 2026
aks/amg.

[1] 1993 Supp(1) SCC 306

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