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

Judgment reserved on: 01.04.2026

Judgment pronounced on: 04 .04.2026

+ **W.P.(C) 4075/2026 & CM APPL. 19990/2026**

MOHAMMAD REHAN

.....Petitioner

Through: Mr. Wajeeh Shafiq, Mr. Rukhsar
Ahmed, Adv.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondents

Through: Mr. R. K. Dhawan, SC for
DDA, Ms. Nisha Dhawan, Mr. Pawan Karan
Deo, Mr. V. K. Teng, Adv. for R1-2

Mr. Sanjay Kumar Pathak, SC with Mrs. K.
Kaomudi Kiran Pathak, Mr. M. S. Akhtar,
Ms. Joohu Kumari, Adv. for R3

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

J U D G M E N T

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“a) Issue a Writ of Mandamus or any other analogous Writ, Order or Direction against the respondents thereby quashing the impugned notice no. F1(3)2026/HD-VII/Misc./1517 dated 13.03.2026;



- b) Issue a Writ of Mandamus or any other analogous Writ, Order or Direction against the respondents thereby restraining the respondents from causing any demolition at the petitioner's property, i.e., house no. D-60 [earlier E-1] Gali no. 5, Shastri Park, Seelampur, North East delhi-110053;*
- c) Pass any such and further order or direction(s) in favour of the petitioner and against the respondents as deemed fit in the interest of justice.”*
2. The petitioner i.e., Sh. Mohammad Rehan, son of Sh. Sami Ahmed, is resident of House No.D-60, Gali No.5, Shastri Park, East Delhi-110053.
 3. The respondent No. 1 is Delhi Development Authority (“*DDA*”), and respondent No. 2 is Deputy Director (Horticulture), Horticulture Division-VII, DDA, School Block, Shakarpur, Delhi-110092.
 4. The Land Acquisition Collector, was impleaded as respondent No. 3 *vide* order dated 30.03.2026.

FACTUAL MATRIX AS PER THE PETITIONER

5. The case of the petitioner is that one Sh. Budha, who was owner of 15 Bigha 6 Biswa of land in Khasra no. 1 etc/74/1 Village Gonda Chohan Khadar, Illaqa Shahdara, Delhi, sold out of the said land a plot admeasuring 300 sq. yards (“*land in question*”) to Sh. Mohd. Yunus *vide* registered sale deed dated 03.06.1969.
6. Later, *vide* transfer documents dated 24.11.1983, Sh. Mohd. Yunus divided the said plot in two plots of 150 sq. yards each and transferred them to petitioner's grandfather i.e., Sh. Saeed Ahmed and petitioner's



grandmother i.e., Smt. Zainab Begum. Petitioner's grandparents had 4 sons and 4 daughters and were residing in house constructed on the land in question ("**property in question**"). On 21.11.1995, petitioner's grandfather i.e., Sh. Saeed Ahmed, gifted his 4 daughters 25 sq. yards each out of his 150 sq. yards plot.

7. Smt. Zainab Begum expired on 17.06.2014 and Sh. Saeed Ahmed, expired on 25.08.2019. Subsequently, their 4 daughters relinquished their share in the property in favour of their 4 brothers.
8. Currently, petitioner along with his wife, father, mother, brother along his wife and three aunts along with their children reside in the house/property in question. Earlier the address of the property was E-1, Gali no.5, Shastri Park and now the new address is D-60, Shastri Park.
9. In 2020, the flyover at the Karawal Nagar-Ghonda- Brijpuri Junction, North East Delhi was inaugurated without disturbing the property in question in anyway. It was only on 15.03.2026, that the impugned notice no. F1(3)2026/HD-VII/Misc./1517 dated 13.03.2026 ("**impugned notice**") issued by respondent No. 2 was put on the petitioner's house, which referred the property as Chauchan Khadar DDA Park and stated that on 01.04.2026 any encroachment/unauthorized constructions will be demolished. The impugned notice is reproduced as under:-



DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE DY, DIRECTOR (HORT.) HORTICULTURE
DIVISION-VII/DDA

SCHOOL BLOCK, SHAKARPUR, DELHI-110092

EMAIL: hortvii.dda@gmail.com

Na F1(3)2026/HD-VII/Misc./1517

Date: 13/03/26

PUBLIC NOTICE

The general public is informed that as per the direction of the competent authority, the encroachments/unauthorized constructions made in the Chauchan Khadar DDA Park will be demolished on 01.04.2026 following due procedure. A demolition drive is proposed to be carried out on 01/04/2026 against the encroachments in Chauchan Khadar Park. The occupant families can avail temporary shelter provided by the Delhi Urban Shelter Improvement Board (DUSIB) at the following night shelters: 1. Shastri Park, Chauhan Khadar 2. Night Shelter, Jag Pravesh Hospital, near Shastri Park 3. Night Shelter 10, Guidwara Geeta Colony, Delhi. Therefore, the affected families are requested to vacate the premises by 30/03/2026. Otherwise, they will be responsible for any damage caused due to demolition drive to be carried out against encroachment on 01/04/2026.

Sd/- illegible

(Pankaj Gunawat)

Dy. Director (Hort.)

Hort. Div. VII DDA

10. Hence, the present petition.
11. When the matter first came for hearing before the Court, this Court *vide* order dated 30.03.2026 directed that “no demolition as regards to the petitioner’s property shall take place till the matter is heard”.

SUBMISSIONS ON BEHALF OF THE PETITIONER

12. Mr. Shafiq, learned counsel for the petitioner, states that the impugned notice is in violation of petitioner’s Fundamental Rights under Article 14 and 21 of the Constitution of India and the proposed action of demolition is in violation of the petitioner’s Constitutional Rights under Article 300A of the Constitution of India.



13. He states that the petitioner and his family are legitimate owners of the property in question and the land/property in question was never acquired by DDA as neither any compensation was paid nor was physical possession taken. Instead, the documents show that since 1970s, the petitioner's family has been enjoying the property in question. Further, even if the land in question was traceable in any Notification issued under the Land Acquisition Act, 1894, the same has now lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. He further states that the impugned notice was issued without providing any opportunity to be heard.
14. Additionally, during the course of arguments, Mr. Shafiq, learned counsel for the petitioner, handed over a copy of award bearing Award No. 1048 dated 27.08.1960 in pursuant to notification No. F.15(60)57-LSG dated 08.07.1957 and stated that the same shows that the land of Gonda Chohan Khadar measuring 131 acres including Khasra No. 74 were removed from acquisition proceedings, as the same was not required for acquisition. He states that in view of the said award it is clear that the property in question of the petitioner is not part of the acquisition proceedings and hence, the Court is entitled to grant prayers in favour of the petitioner. He also drew my attention to the Khasra Girdawari of the relevant land to show that the same still stands in the name of Sh. Budha and no satisfactory answer to this has been given by the respondents.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

15. *Per contra*, during the course of the arguments, Mr. Dhawan, learned



standing counsel for the DDA/ respondent Nos. 1 and 2 and Mr. Pathak, learned standing counsel for the respondent No. 3, handed over a copy of award being Award No. 838 dated 30.11.1957 in pursuant to notification No. F.24(139)/54-LSG,(i) dated 21.05.1957 along with Schedule “A” and stated that the same shows that Sh. Budha, had claimed compensation in respect of Khasra no. 1 etc./74/1, Village, Gonda Chohan Khadar measuring 6 Bigha 10 Biswa and that the possession has been taken over on 01.05.1956.

ANALYSIS AND FINDINGS

16. I have heard learned counsel for the parties.
17. Firstly, the Award No. 838 dated 30.11.1957 in pursuant to notification No. F.24(139)/54-LSG,(i) dated 21.05.1957, along with Schedule “A” clearly shows that Sh. Budha, the predecessor-in-interest, has claimed compensation in respect of Khasra no.1 etc./74/1, Village, Gonda Chohan Khadar measuring 6 Bigha 10 Biswa, since the said land had been acquired. Further, my attention has also been drawn to an award being Award No. 4/1969 passed in 1969, wherein it shows that Khasra No. 74/2 measuring 15 Bigha 6 Biswa has also been acquired and possession has been taken over.
18. In view of the fact that the predecessor-in-interest i.e., Sh. Budha, has claimed compensation for the said acquisition, I am of the view that *prima facie* the respondents have been able to show that the land in question is part of the acquisition proceedings and has been acquired by the respondents. Hence, the petitioner and his family have no right over the land in question and consequentially, the property in question and are not entitled to reliefs as claimed in the present petition.



19. Additionally, the Award No. 1048 dated 27.08.1960 in pursuant to notification No. F.15(60)57-LSG dated 08.07.1957, relied upon by the learned counsel for the petitioner, pertains to the notification No. F.15(60)57-LSG dated 08.07.1957, which is not the notification covered by the Award No. 838 or 4/1969 and hence, not relevant.
20. Even assuming that the contentions of the petitioner to be correct the same involves disputed question of fact, which will require detailed evidence, since as per the respondents the land in question stands validly acquired by 2 awards, which are not in dispute.
21. The law is well settled that the High Courts while exercising writ jurisdiction under Article 226 of the Constitution of India shall refrain from delving into question of highly disputed facts and only in exceptional circumstances, must exercise the discretionary power to entertain disputes questions of facts. The said principle has been time and again reiterated by the Hon'ble Supreme Court including in the judgment of *Shubhas Jain v. Rajeshwari Shivam, (2021) 20 SCC 454*, wherein it was observed as under:-

“25. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

(Emphasis added)

22. In view of the conflicting stands of the parties as recorded above, I am of the view that the petitioner has raised disputed questions of fact and



the same cannot be adjudicated upon in the present writ petition.

CONCLUSION

23. In view of the aforesaid, the present petition is dismissed.
24. Consequently, the pending applications, if any, are also disposed of.
25. The interim order dated 30.03.2026 hereby stands vacated.

JASMEET SINGH, J

APRIL 04, 2026/(HG)