



\$~68

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 5894/2026& CM APPL. 28920/2026, CM APPL.  
28921/2026  
SURESH KUMAR

.....Petitioner  
Through: Mr. Raghav Saluja and Mr. Daksh  
Tomar, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.

.....Respondent  
Through: Ms. Prabhsahay Kaur, SC with Mr. Bir  
Inder Singh Gurm, Adv. for R-1/ DDA  
Mr. Tushar Sannu, Ms. Pulak Gupta  
Joshi, Advs. for MCD

**CORAM:**  
**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**  
**30.04.2026**

%

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayer(s):-

*“i) issue a writ of mandamus or any other appropriate writ in the nature thereof directing the respondent no. 1 to restore the possession of the parking site situated at Yamuna Sur Ghat, in accordance with the NIT 907 dated 27.09.2022 issued by respondent no. 2, to the petitioner...”*

2. The brief facts of the case are that a memorandum of understanding (“**MoU**”) was executed between the respondent Nos. 1 and 2 i.e., Delhi



Development Authority (“**DDA**”) and Municipal Corporation of Delhi (“**MCD**”) respectively, governing the handing over and management of parking sites, including the site at Yamuna Sur Ghat.

3. The possession of land admeasuring 2508 sq. meters at Yamuna Sur Ghat was handed over by the respondent No. 1 to respondent No. 2,
4. The respondent No. 2 issued a Notice Inviting Tender dated 27.09.2022 bearing NIT No. 907 inviting bids for allotment of multiple parking sites including Yamuna Sur Ghat and Adarsh Nagar cluster sites.
5. In pursuance of the aforesaid NIT, the petitioner submitted his bid and was declared as the highest bidder to run the parking site and was consequently issued an allotment/possession letter for running the parking sites for a period of 3 years upon payment of Rs. 10,11,100/- towards monthly license fee.
6. The physical possession of the parking sites was handed over to the petitioner upon deposit of security amount of Rs. 30,33,300/- and advance payment of monthly license fee of 4 months amounting to Rs. 40,44,400/-. The petitioner also commenced operation of the parking sites from 17.01.2023.
7. The DDA *vide* letter dated 23.01.2023 informed the MCD that only an area admeasuring 2508 sq. meters at parking site No. 1 was transferred to it by the DDA. However, MCD has allotted an area of 3780 sq. meters to the petitioner. Thereafter, the DDA cancelled the permission given to MCD and consequently, the MCD *vide* letter dated 31.01.2025, cancelled the parking site No. 1 allotted to the petitioner.
8. My attention has been drawn to a letter dated 09.06.2023, addressed by the DDA to the Commissioner, wherein it has been stated that the



parking site at Sur Ghat, Yamuna is urgently required to be evacuated for development purposes.

9. Additionally, it is also stated by Ms. Kaur, learned standing counsel for respondent No. 1/DDA, that the parking site is on Yamuna Flood Plains and falls under Zone – O.
10. Learned counsel for the petitioner states that since no development has taken place, the tender of the petitioner should be restored and the petitioner must be handed over the site forthwith.
11. I have heard learned counsel for the parties and perused the documents placed on record.
12. In the present case, the tender of the petitioner had been cancelled on 31.01.2025 and the possession of the site is with the respondent No. 1. The petitioner has not challenged the said cancellation in the present writ petition.
13. The question regarding the correctness and validity of the cancellation and the petitioner's entitlement to compensation, are disputed questions of fact, which certainly cannot be adjudicated in the present writ petition. Accordingly, the petitioner is at liberty to file a civil suit for damages, if so advised.
14. Admittedly, as per the respondent No. 1/DDA, the land in question falls under Zone – O and is at Yamuna Flood Plains and cannot be used for commercial purposes.
15. Hence, it is directed that the respondent No. 1/DDA shall ensure that no activity is allowed to take place on the said land, including parking of any vehicle for any kind or for any commercial purpose even if it may be for the convenience of people coming to pay respect/ homage to the



river on any auspicious occasion.

16. In view of the interest of environmental protection and the area being ecologically sensitive, all types of commercial/religious activities for any purpose whatsoever shall be restricted from the said area. If, in case the respondent No. 1/DDA is of the opinion that parking space is required to be provided to people coming to worship the river on any auspicious occasion, the respondent No. 1/DDA is directed make alternative arrangements accordingly, away from the Yamuna Flood Plains without disturbing the ecologically sensitive area.
17. The petition is disposed of in aforesaid terms, along with pending applications.

**JASMEET SINGH, J**

**APRIL 30, 2026/sp**