

(2021) 11 DEL CK 0177

In the Delhi High Court

Case No : Civil Writ Petition No. 13545 Of 2021, Civil Miscellaneous Application No. 42744-42745 Of 2021

Ranjit Singh & Anr.

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 30-11-2021

Acts Referred:

Citation : (2021) 11 DEL CK 0177

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Dr. Anmol Rattan Sidhu, Raghav Gulati, Sudha, Jagjit Singh, Preet Singh, Vipin Chaudhary

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioners seek a direction to the respondent not to demolish or create hindrance in construction raised over residential property bearing numbers 4294-96 at Queens Road, S.P. Mukherji Marg, near Pul Mithai, Delhi, without following the procedure established by law.

2. Learned senior counsel for the petitioner submits that the petitioner has also filed a civil suit, in which, by order dated 12.03.2020, respondents were directed to maintain status quo with respect to the aforementioned properties. He submits that despite the status-quo order, respondents came and demolished the property on the same day and have further issued notice to the petitioners to remove the unauthorized construction from the subject land.

3. Learned counsel appearing for the respondent, on advance notice disputes the said contention. He submits that the petitioners are encroachers upon Railway land and action in accordance with law has been taken. He submits that no action has been taken by the respondent in breach of the status-quo order and further the orders passed by the civil court would be duly abided and if any

further actions, needs to be taken, same shall be taken in terms of the directions issued by the civil court.

4. He further submits that the petitioners are also not maintaining the status-quo as obtaining on 12.03.2020.

5. Learned senior counsel for the petitioner assures that the status of the properties as obtaining on 12.03.2020 shall be maintained as directed by the civil court.

6. In view of the above, petition is disposed of in terms of the order dated 12.03.2020, passed by the civil court. All disputes and questions are left open, to be adjudicated in the civil suit filed by the petitioners.

7. It is clarified that this Court has neither considered, nor commented upon the merits of the claim of either party and civil court shall adjudicate the disputes in accordance with law without being influenced by anything stated herein.

8. Petition is disposed of in the above terms. Keeping in view the facts and circumstances of the case, the civil court is directed to expedite the proceedings.