
(2010) 07 DEL CK 0009

In the Delhi High Court

Case No : Writ Petition (C) 1140 of 1999 and C.M. Application No. 1445 of 2000

R.K. Bansal and Others

APPELLANT

Vs

GNCTD and Others

RESPONDENT

Date of Decision : 21-07-2010

Acts Referred:

Delhi (Control of Building Operations) Act, 1955 — Section 19, 3
Delhi (Control of Building Operations) Regulations, 1955 — Regulation 5(3)

Citation : (2010) 171 DLT 201 : (2011) 7 RCR(Civil) 2551

Hon'ble Judges : Dr. S. Muralidhar, J

Bench : Single Bench

Advocate : Gaurav Sarin and Charul Sarin, for the Appellant; P.C. Sharma, for R-2/PWD, for the Respondent

Final Decision : Allowed

Judgement

S. Muralidhar, J.—Seventeen Petitioners who are owners of plots in Block C-1, Rajouri Garden, New Delhi have joined in this petition seeking a direction to restrain the Public Works Department (PWD), Respondent No. 2 herein and the Government of National Capital Territory of Delhi (GNCTD) Respondent No. 1 herein from removing their marble shops located on the plots.

2. Initially this Court was informed that the land on which the marble shops were located had been acquired under the Land Acquisition Act, 1894 (LA Act). However, the proceedings of 26th May 1999 show that the Court was informed by the learned Counsel for the Respondents that "the property which is the subject matter of the present petition has not been acquired but the predecessors of the petitioner gave an undertaking that they will keep the land vacant for use of general public." The parties were then directed to maintain status quo with regard to the possession. That interim order has continued. It must be mentioned that Respondent No. 3 is the DLF Housing & Construction Ltd. (hereinafter "the DLF") from whom the Petitioners purchased the said plots on varying dates from 1956 to the early 1960s. By way of an application, CM

1445 of 2000, Respondent No. 3 had sought deletion of its name from the array of parties. The said application was allowed by an order dated 19th July 2000 which reads as under:

"1. This is an application moved by respondent No. 3 for deletion of said respondent from array of respondents in this writ petition.

2. Petitioner it appears are having their marble shops at Rajouri Garden. The petitioners have filed the present petition seeking a writ of prohibition against Government of NCT and the Public Works Department, who are threatening to demolish the structures of the petitioners or from interfering with their possession.

It is not in dispute that threat to the petitioners is from respondents 1 & 2 against whom the writ of prohibition is sought. As regards respondent No. 3, no specific relief has been sought in the writ petition. Learned Counsel for the petitioner submits before me that respondent No. 3 is a necessary party in these proceedings. He seeks to draw support from the affidavit filed by respondents 1 and 2, wherein while producing the sanctioned plan in favour of respondent No. 3 colonizer, who had developed the said land, it is stated:

That the petitioners have not come to this Hon"ble Court with clean hands and fair intentions. And the petitioners have not cared to file any sanctioned site plan given by the Government to the colonizer with the respondent No. 3 who admittedly was predecessor in interest of the petitioners. The said sanction plan which is being enclosed with the present counter affidavit shows that a 30 ft. wide subsidiary roads on the both sides of ring roads was mandatory supposed to be left by the colonizers, i.e. respondent No. 3 which have been encroached by the petitioners and the petitioners are claiming now to be the owners of that particular land.

Mr. Sethi, therefore, submits that whether respondent No. 3 complied with the conditions of the sanctioned plan would in issue.

3. Learned Counsel for the Petitioner therefore submits that in case respondent No. 3 has violated the terms of the sanctioned plan, the land could not have been sold by the said respondent.

4. It is not in dispute that respondent No. 3 had executed sale deed, which would reflect the land sold by it to original owners from whom the petitioners claim to have acquired their rights. In any case, respondents 1 and 2 have filed the sanctioned plan, which would show what had been sanctioned or not? In case the petitioners find that either the petitioners or their vendor have been deceived by respondent No. 3, the remedy for that would be elsewhere and not in these proceedings.

In my view, having regard to the nature of the reliefs sought and the controversy involved, respondent No. 3 is not a necessary or property party to the proceedings.

The application is allowed. Respondent No. 3 is directed to be deleted from array of respondents.

As a result, the only Respondents to this petition are the GNCTD and the WD, Respondents 1 and 2 respectively.

3. The Petitioners state that each of them had purchased the plots in question from the DLF through registered sale deeds copies of which have been enclosed with the petition. The earliest of the sale deeds is of 23rd August 1955. There is one of 25th May 1957. There are sale deeds of 1960s and the last of the sale deed is of 1978. The Petitioners state that they are the lawful owners of the said plots. The Petitioners further state that they are carrying on the business of trading in marble on the said plots for many years. It must be mentioned that the plots in Block C-1, Rajouri Garden abut the main Ring Road. The Petitioners state that in terms of the lay-out plan approved in 1956 the Ring Road was to be of 100 ft. with two stripes of subsidiary roads of 30 ft. each on either side. Therefore, the total width for the main road and the subsidiary roads was to be 160 ft. The case of the PWD, on the other hand, is that the road was meant to be 210 ft. and, therefore, they are entitled to take 25 ft. on either side for that purpose. The case of the PWD is that the DLF has sold to the Petitioners in contravention of the lay-out plan, lands that fall on the 25 ft. stretch of a subsidiary road. PWD, therefore, claims an area comprising width of 25 ft. on one side of the Ring Road for the purposes of expanding the Ring Road. It must be mentioned that as regards the expansion of the Ring Road in the areas, other than Block C-1, there had been specific land acquisition awards in terms of which lands were purchased by the GNCTD for the PWD for that purpose.

4. In the above background on 20th February 1999 the PWD affixed close to the Petitioners' premises the following notice:

It is informed that PWD's land has boundary upto "210" ft. Consequently, you are requested that whoever is dealing in marble on government land are called up to remove themselves within 3-4 days failing which the PWD shall remove all such premises falling in their land.

By order of Executive Engineer

Lok Nirman Vibhag (PWD) - XIV, New Delhi

5. The Petitioners state that when the PWD officials came to the premises thereafter they were shown the registered sale deeds which, however, did not satisfy them and they expressed their intention of proceeding with the demolition of the structures. It is in those circumstances that the Petitioners filed the present petition.

6. A counter affidavit has been filed by the PWD on 5th April 1999. This is a fairly short counter affidavit. In para 3, after stating that the Petitioners have not cared to file the sanctioned lay-out plan given by the Government to the colonizer, i.e., DLF, it was stated that the said sanctioned plan is enclosed with the affidavit. The

said sanctioned layout plan enclosed with the counter affidavit of the PWD shows the Ring Road to be of 100 ft. and the subsidiaries roads of 30 ft width. This sanctioned plan is signed on two dates, i.e., 8th May 1956 and 4th August 1956. The Petitioners have placed a further copy of the said sanctioned plan on record. It is significant that apart from the above sanctioned plan, the PWD has itself not placed any other sanctioned plan on record. It is then stated in para 4 of the affidavit as under:

4. That for the construction of the Ring Road, the land was acquired at three stages as under:

(i) Mutation No. 92 in the year 1915-16 for a width of 50 feet.

(ii) Award No. 692 of 1953 for additional width of 50 feet

(widening of the road by 25" on each side).

(iii) Award no. 1113 of 1961 for additional width of 50 feet

(widening of 25 feet on each sides).

It is humbly submitted and stated that as mentioned above, the total 150 ft. width was thus acquired for the construction of the Ring Road and as mentioned in above para, 30 ft. subsidiary road on each side of this Ring Road was supposed to be left as per the sanctioned plan copy of have been enclosed. Thus, the total width of the Ring Road at present on the site should be 210 ft. and accordingly, the answering respondents are removing the encroachments from 210 sq. ft. only and the respondents are within their right to remove such encroachment.

7. It has been mentioned that the above sanctioned plan was of the Delhi Development Provisional Authority (DDPA). Thereafter in para 7 of the affidavit it is stated as under:

7. That A-Block and B-Block on the both side of the ring road were developed by the same colonizer i.e. M/s DLF and they were expected to leave two subsidiary roads on both sides of the finally acquired portion of the ring road of 150 feet, towards compliance of the approved plan of DDPA dated 8.5.56 stated herein before, but the total width available is only 150 feet including the width of the service road (30 feet wide as available). On western side as explained. Incidentally the road width as per master Plan provisions is also shown on these sides to the extent of 60 feet which is evident from the sanction plan of these plots by M.C.D. Moreover in many stretches as shown in the plan we are getting 210 feet wide R.O.W. it shows that total 210 feet R.O.W. is the land width of the ring road.

8. The case of the PWD is that the Petitioners have encroached upon the Government land and that they are not entitled to any relief whatsoever.

9. While the petition was pending here in relation to the large-scale

encroachments in many years in Delhi which had resulted in the shops and industries operating from non-conforming areas, certain public interest litigations were instituted both in the Supreme Court as well as in this Court. The Supreme Court had appointed a Monitoring Committee to ensure the implementation of its directions and to locate such of those non-conforming activities which were required to be removed. When the Monitoring Committee noticed the Petitioners' shops and sought the removal, the Petitioners produced orders of this Court. A question then arose as to the exact location of the road which is passing through the C-1 Block and therefore an exercise of demarcation was undertaken by the Sub-Divisional Magistrate (SDM), Patel Nagar at the instance of the Monitoring Committee.

10. The Petitioners have placed on record a copy of the demarcation report dated 23rd May 2009 of the SDM together with its Annexures.

11. The said report indicates that the request for demarcation was made by the PWD to the SDM "to find out encroachments by the marble traders at Ring Road in between Mayapuri Flyover to Raja Garden crossing". It was noted that the SDM, Delhi Cantonment had earlier carried out a demarcation pursuant to the order dated 24th July 2002 of this Court in Civil Writ Petition No. 6861 of 1999 (Shyam Sunder Maheshwari v. Union of India). Notwithstanding the stand of the PWD that the said demarcation which indicated that the patch-wise position should be accepted, the Monitoring Committee directed a fresh demarcation. Initially, the said direction issued on 1st July 2008 was stayed by the High Court by its order dated 2nd July 2008 passed in W.P. (C) 4662 of 2008 titled "Shyam Sunder Maheshwari v. SDM (Patel Nagar)" and subsequently by orders dated 22nd September 2008 and 3rd October 2008, the High Court permitted the SDM, Patel Nagar to proceed with the demarcation.

12. The report further states that the demarcation commenced on 24th October 2008. However, the area was thickly built up and fixed points were not found.

13. Accordingly, the Halqa Patwari was directed to provide all the land acquisition awards of the Ring Road area together with the field book, Shijra and record. The work of demarcation was decided to be restarted on 3rd November 2008. It, however, got delayed due to diversion of staff for election work and recommenced on 17th December 2008. It was decided to begin from the Jageer Palace Hotel end which was at the boundary of village Basai Dara Pur and Naraina. The demarcation continued on 26th December 2008, 27th December 2008 and 29th December 2008 by total station machine (TSM) method. The field work for the demarcation was completed on 29th December 2008. Notice was issued to the marble traders and the PWD for 6th April 2009 to remain present so that the demarcation report could be finalized. However, on 9th April 2009, the PWD tendered its written submissions to the SDM objecting to the demarcation report on the ground that the service road had not been taken into consideration while drawing up the demarcation map. However, in its written submissions, the PWD did not mention "if any of the award and land has not

been taken into account.

14. Relevant to the case on hand, the learned SDM has in the demarcation report stated the following as regards Pocket - C & D:

Pocket - C & D: As per T.S.M. Map the Khasra No. 2276 and 2287 comes in Pocket C and Pocket D. Both the above Khasra No. 2276 and 2287 had not been acquired vide Award No. 17/73-74. There is complete road towards the west of this Khasra Numbers measuring 18 Gathas (width) so there is no encroachment in Pocket C & D.

The red line shown in the map from South towards North is from Hotel Jageer Palace, boundary of village Basai Dara Pur and Naraina to Raja Garden Najafgarh road indicating the road of width 18 Gathas. Towards Eastern side of the Ring Road Broken Red Lines have been shown in some Khasra numbers where were acquired vide Award No. 17/73-74 and Award No. 1/2001-2002...(illegible) Award No. 17/73-74 has been shown as acquired and through red lines. Towards north of Pocket b Award No. 1/2001-2002 has been shown as acquired land through red lines. If the red line is extended in Pocket B, C & D, for the purpose of widening of road, private properties will fall in these extended portions.

15. The enclosed survey map shows that the area in question is immediately abutting the Ring Road and that an extent of 25 ft. on the side of the Ring Road towards the C-1 Block could obviously cut across the C-1 Block. It was for this reason that the report notes that for the purposes of road widening, private properties would fall in the extended portions.

16. This Court has heard the submissions of Mr. Gaurav Sarin, the learned Counsel appearing for the Petitioners and Mr. P.C. Sharma, the learned Advocate for the PWD.

17. Mr. Sarin submits that after the demarcation report of the SDM, it was clear that for the purposes of road widening 50 ft. more was required of which 25 ft. on one side would fall on the C-1 Block side. Since the Petitioners' properties were on this strip of land, they would necessarily have to be acquired. He submits that the attempt by the PWD to enter the Petitioners' private properties and straightway demolish the existing structures thereon is a wholly illegal move.

18. He points out that under the Master Plan for Delhi-2021 (MPD-2021) the area in question has been notified for commercial activity and, therefore, per se in terms of the current MPD-2021 the Petitioners were not carrying on any unauthorised or illegal activity.

19. He submits that notwithstanding the fact that status quo has been directed to be maintained by this Court, it has been interpreted by the PWD to mean that the Petitioners cannot seek to alter their structures. The Petitioners are, therefore, placed in a difficult situation where neither they are allowed to expand to take advantage of the position under the MPD-2021 nor is the GNCTD taking steps to acquire the land needed by the PWD for the expansion of the Ring Road

to achieve the width of 210 ft. He further submits that the attempt by the PWD is to take over the land without following the due process of law and without paying any compensation to which the Petitioners would be entitled in terms of the LA Act. Mr. Sarin adds that the market rates applicable to commercial properties would become payable under the LA Act and this was what the GNCTD was trying to avoid. He submits that the forcible taking over of land without following the due process of law should not be permitted by this Court. He adds that the Petitioners are willing to give up the land to the extent of 25 ft. on the C-1 Block side of the Ring Road provided they are paid compensation in accordance with law.

20. Mr. Sharma, on the other hand, refers to a compilation filed by the PWD in these proceedings on 14th December 2009, which includes the correspondence that took place between the GNCTD and the DLF. It appears that the area in question was handed over to the Municipal Corporation of Delhi for maintenance in terms of the Delhi Municipal Corporation Act, 1957. It is pointed out that although the original width of the Ring Road was 100 ft. it was widened to 150 ft. with a dimension of 75 ft. wide from the Central verge to either side forming a Ring Road.

The directions for expansion of the Ring Road were issued in two installments by the then Deputy Commissioner as well as by the Central Co-ordination Commission for development of Greater Delhi. It is submitted that apart from the 150 ft. wide Ring Road, there was to be subsidiary roads of 30 ft. width on either side. It is claimed that this subsidiary road was taken over for maintenance by the MCD. This made the total width of the Ring Road from 150 ft. to 210 ft. wide by merging the 30 ft. wide subsidiary road with the original 150 ft. wide Ring Road. It is claimed that the entire 30 ft. wide Ring Road has been encroached upon first by the colonizer, i.e., DLF which in turn sold it to the Petitioners. It is submitted that the PWD cannot be compelled to acquire land which had been unlawfully encroached upon and sold by the DLF to the Petitioners. In other words, the PWD cannot be asked to purchase the land which belongs to the GNCTD in the first place and that too at market rates applicable to commercial properties. The SDM's demarcation report is vehemently disputed. It is submitted that a revision petition has been filed before the Financial Commissioner challenging the said demarcation report and, therefore, the said report should not be acted upon. He submits that a legal notice dated 6th June 2008 had been issued to the MCD asking it to produce the original maps and plans and to provide it with all the information. The MCD was also directed to take appropriate action to prevent the marble traders from functioning there further from the area in question. It is submitted by Mr. Sharma that some more time should be given to the PWD to produce these old documents which were with the MCD. According to him, the revised site plan/lay-out plan showing the 210 ft. wide road would be available with the MCD and one more adjournment may be granted for that purpose.

21. Mr. Sharma also referred to the Delhi (Control of Building Operations) Act, 1955 as well as the Delhi (Control of Building Operations) Regulations under which before any building is erected in any colony, the plot holder "shall obtain sanction of the authority (i.e. the Delhi Development Provisional Authority (DDPA) constituted u/s 3 of the Delhi (Control of Building Operations) Ordinance, 1955)." He points out that none of buildings in question in the C-I Block had been erected with the prior permission of the DDPA and, therefore, could not be allowed to stand. He, therefore, justified the action of the PWD in demolishing the structures. It is submitted that the pendency of this litigation is holding up the expansion of the Ring Road in this one stretch which is causing tremendous inconvenience and, therefore, the interim order should be vacated and the writ petition may be dismissed. He submits that there is no justification in requiring the PWD to pay the market value of the land as the land in fact was unlawfully encroached upon by the DLF in the first place and then sold to the Petitioners herein contrary to law.

22. The above submissions have been considered by this Court. It appears to this Court that the only sanctioned plan of the area which has been placed on record by the PWD with its counter affidavit itself does not support the case of the PWD. If there is any subsequent sanctioned plan that has yet to see the light of the day. The said sanctioned plan shows the width of the Ring Road to be 100 ft. with the subsidiary roads on either side to be 30 ft. each. Even if the subsidiary roads were to be merged with the Ring Road, the total width would be 100 ft. whereas at present it is 150 ft. Unless an approved site plan which shows the width of the Ring Road to be 150 ft. and the width of the two subsidiary roads of 30 ft. each on either side, it is not possible to accept the submission of the PWD that the original width of the Ring Road even as sanctioned in 1956 was 210 ft., i.e., 150 ft. wide Ring Road together with 60 ft. subsidiary roads.

23. This being a 1999 writ petition and being heard finally, cannot be adjourned time and again to enable the PWD to obtain documents from the MCD. This could have easily been done during this period.

24. The Court therefore proceeds according to the lay-out plan placed on record by the PWD. The SDM who undertook the demarcation exercise also appears to have faced some difficulty. There was no other approved site plan available on record which would bear out the case of the PWD that the width of the Ring Road is in fact 150 ft. together with subsidiary roads of 30 ft. each on either side. What is also important to note that as regards the other stretches, leaving out the C-1 Block, the lands have been acquired by the PWD under different awards. As regards the C-1 Block, there is no such plan available.

25. The correspondence between the DLF and the PWD indicates what could have possibly happened during the years when the property was being colonized and developed by the DLF. Para 3 of the letter dated 10th July 1997 written by the DLF to the PWD is instructive and reads as under:

3. We have, however, gone through the available records relating to the development of Rajouri Garden Colony on both sides of Ring Road. It is seen that originally there existed a road called Naraina Road. The width of this road was shown in the lay-out Plan sanctioned by the Deputy Commissioner Delhi on 23-7-51 (copy enclosed) as 100" and the Plots developed on both sides were touching this road. The Deputy Commissioner, Delhi vide his letter no. 48/RDS dated 28-1-52 (copy enclosed) directed us that as Narain Road was proposed to be widened to the extent of 150 ft. an open space should be left to the extent of 75 ft. from the Centre of the Road. This direction was complied with and intimation sent to the Deputy Commissioner, Delhi vide our Letters Nos. 799/52 dated 9-2-52 and 1980/52 dated 17-3-52 (copies enclosed and the revised lay-out plan was sanctioned with the above compliance on 9-4-52 by the Deputy Commissioner, Delhi. This plan shows that the plots which were originally abutting the Naraina Road (Ring Road) were pushed back and are abutting on the 25" wide footpaths provided on both sides of the Ring Road, thus making the total width of the Ring Road as 150". Subsequently the lay-out plan was again revised and approved by Delhi Provisional Development Authority on 20-3-1056 (copy enclosed) where this area of the footpaths has been termed as subsidiary roads. The same was within 150" ft ROW of the Ring Road. We had later on handed over the services of the Colony to the MCD in 1960 on the basis of thus revised lay-out plan.

26. The above appears to be a plausible explanation as to how the Petitioners herein purchased the property bona fide unaware of any defect in title. The registered sale deeds were executed several years ago. Some of them as early as in 1955. At no point of time had the validity of these sale deeds been questioned. It is not as if the Petitioners are overnight encroachers on the public land. They have valid documentation justifying their having built up the structures on land validly sold to them. They cannot be declared to be illegal occupants. If indeed the land has to be taken over by the PWD for public purpose for a road expansion, it is necessary for the PWD to follow the due process of law. That simply cannot be avoided by surmising about events that transpired more than 50 years ago.

27. Learned Counsel for the PWD placed extensive reliance upon the judgment of the Supreme Court in D.L.F. Housing Construction (P) Ltd. Vs. Delhi Municipal Corpn. and Others, . The said decision gives some interesting factual details about the development of different areas in Delhi by the DLF in the initial phases. Para 2 of the judgment in reads as under:

2. The appellant D.L.F. Housing Construction (P) Ltd. (hereinafter referred to as the Coloniser) carries on the business of colonisation and development of lands in Delhi. Among the colonies which were developed by it are New Delhi South Extension Part I and Part II Shivaji Park, Hauz Khas Kailash Greater Kailash I and Greater Kailash II. The Coloniser submitted applications for the development of these colonies and obtained sanctions of the lay-out plans under the extant laws.

Sanctions for five of these colonies were granted by the Delhi Development Provisional Authority in the year 1956 under the Delhi (Control of Building Operations) Act 53 of 1955 and the Regulations framed u/s 19 of the Delhi (Control of Building Operations) Ordinance No. V of 1955.

28. The procedure is outlined in para 3 of the judgment in D.L.F. Housing Construction (P) Ltd. which reads as under:

3. Under Regulation 5(3)(ii), before a Coloniser undertakes to subdivide a plot of land into building plots, he is required to enter into an agreement with the Central Government for the internal development of the land to the satisfaction of the Authority. A Coloniser seeking permission to develop an area of land as a colony has to submit an application for the purpose together with a layout plan in which he has to set apart, among other things, open spaces for roads, parks etc. and open sites for other public utility services such as schools, dispensaries etc. The principles and conditions on which the sanction is accorded are indicated in the Regulations. Sanctions for development of the first five colonies mentioned above were obtained by the Coloniser in 1956 and of Greater Kailash II in 1959.

Although the above judgment is related to the areas in Shivaji Park, Hauz Khas, NDSE-I and II, and Greater Kailash I and Greater Kailash II. There is mention of the property in Rajouri Garden as well. This is in para 7 of the judgment in D.L.F. Housing Construction (P) Ltd. which reads as under:

7. In the counter-affidavit filed on behalf of Respondents 1 and 2, the Deputy Commissioner asserted that the ownership of the open spaces and sites in question had vested in the Municipal Corporation, and the Coloniser was no longer the owner thereof. While admitting the petitioner's allegation that the transfer of these plots was being claimed by the Municipal Corporation free of cost, the Deputy Commissioner averred that in one of the plots in dispute the Municipal Corporation had already built a Municipal School which was functioning. It was stated that "so far as the petitioner's other schemes were concerned i. e. in Model Town, Rajori Gardens and in Hauz Khas, all streets, open spaces, parks, schools, markets etc. had already been handed over by the petitioner to the respondent without any protest.

28a. If one were to go by what the Supreme Court was informed by the Government itself, clearly then "all streets" in Rajouri Garden were in fact handed over by the DLF to the MCD without any protest. One will necessarily have to go by the above statement made to the Supreme Court way back in 1976. Therefore, even the MCD will not be able to deny that whatever were the streets in terms of the approved site plan in Rajouri Garden, were in fact handed over to the MCD.

29. Many of the sale deeds under which the Petitioners are claiming to be the lawful owners of the properties in question were executed between 1955 and 1976. Even on this basis, it is not possible to accept the submission of the learned Counsel for the PWD that the Petitioners have encroached upon the land

belonging to PWD.

30. The documentation placed on record simply does not support the case of the PWD at all. The resultant position is that the Respondents could not have proceeded to demolish the structures put up by the Petitioners in the plots in Block C-1 Rajouri Garden in the manner that they attempted to do, which prompted the Petitioners to approach this Court.

31. On 26th May 1999 this Court had been informed by the learned Counsel for the Respondents that "the property which is the subject matter of the present petition has not been acquired but the predecessors of the petitioner gave an undertaking that they will keep the land vacant for use of general public." this Court then directed the parties to maintain status quo with regard to possession. In a subsequent order dated 24th November 1999 it was directed that the interim order will continue but that "it will be open for the respondents to formally acquire the land and take such other steps as may be required in accordance with law to take possession of the land." The Respondents have been unable to establish that they were entitled to take over the lands in question without resorting to any acquisition proceedings. They have also not been able to show that the Petitioners gave any undertaking to keep the land vacant.

32. It is stated by Mr. Gaurav Sarin, the learned Counsel for the Petitioners that if the Respondents initiate proceedings and offer to pay the market value for the properties in question, which are now in a notified mixed use area in terms of the Master Plan for Delhi-2021, then the Petitioners will be prepared to accept the compensation and give up the plots in question. It is not for this Court to speculate what the Respondents propose to do in the matter and therefore does not wish to make any observation in this regard. Suffice it to say that in the event that the Respondents require the properties in question for expansion of the road, then just as they have in respect of the adjoining properties, they should proceed to initiate appropriate legal proceedings for acquisition of these properties in accordance with law.

33. The writ petition is accordingly allowed with a direction that the Respondents shall not remove the Petitioners' shops and structures located in Block C-1, Rajouri Garden, New Delhi or in any manner interfere with the possession thereof except in accordance with the procedure established by law.

34. The petition stands allowed in the above terms with no orders as to costs.