

EX 1675/18
CHOTTEY LAL Vs. D. D. A.

11.01.2024

Present : Sh. A. K. Srivastava, Id. counsel for the DH.
Sh. Varun Goswami, Id. counsel for the objector/Rahisuddin.
Sh. Pradeep Chaudhary, Ld. counsel for the objector/Shahid Pravez and Md. Yusuf.
Mohd. Fahad, Ld. counsel for the objector/Salim Nadeem and Jamila.
Sh. M. Hussain, Ld. counsel for objector/Salimuddin alongwith objector.

An application under section 151 CPC filed by DH for identification of property no.545 to 547, Chatta Lal Miyan, behind Delite Cinema, Darya Ganj, Delhi is pending.

Another application under section 151 CPC filed on 04.08.2023 is also pending.

As per the order dated 19.12.2023, passed by Hon'ble Delhi High Court, the possession of the property no.547, Chatta Lal Miyan, behind Delite Cinema, Darya Ganj, Delhi was restored to Rahisuddin on 22.12.2023. It is also observed in the said order that as per the report of the DDA, the property no.545 – 547 was not identified on site as the same was acquired by the Government on 25.05.1950 and the possession was also taken on 12.09.1961.

Ld. counsel for the DH requests for issuance of warrants of possession of the decree except property no.547, Chatta Lal Miyan, behind Delite Cinema, Darya Ganj, Delhi. However, in view of the observations passed in the order dated 19.12.2023 and the report filed by the DDA

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before the Hon'ble Delhi High Court, it is necessary to deal with the rival contentions and also the applications which are pending. Moreover, from the report of the DDA, it appears that the property no. 547, Chatta Lal Miyan, behind Delite Cinema, Darya Ganj, Delhi cannot be identified and the statements given on behalf of the DH earlier that the property no.547, Chatta Lal Miyan, behind Delite Cinema, Darya Ganj, Delhi is part of the entire suit property, warrants of possession cannot be issued without conducting a comprehensive hearing.

Put up for disposal of all the pending applications as well as on the aspect of issuance of warrants of possession on **02.04.2024**.

(Pranav Joshi)
ASCJ (Central)/Delhi
11.01.2024