

(i) Civil Procedure Code, 1908 (V of 1908), Section 9 — Perpetual injunction — Finality of decree — Civil Court's decree of permanent injunction in favour of predecessors-in-interest of the appellants, confirmed up to the High Court in second appeal, attained finality — Division Bench in subsequent writ proceedings not justified in rendering observations so as to virtually unsettle the decree and cause title to be brought under dispute.

(ii) Municipal Law — De-reservation— Deletion of reservation for High School in revised layout plan of 1969 attained finality; mere register entry is not proof of title; de-reserved land does not retain public-purpose character — Reservation of subject land for a High School in the layout plan of 1958 was deleted in the revised layout plan of 1969 on the ground that the available 1600 sq. yards fell short of the mandatorily required 4000 sq. metres; de-reservation attained finality — Mere entry in the list of properties maintained by the Municipal Corporation cannot, by itself, constitute valid proof of title — There is no material on record to show that notwithstanding such de-reservation, the land would continue to retain the character of being reserved for a public purpose.

(iii) Constitution of India, Article 226 — Writ petition for incorporation of plots in layout plan — Scope of adjudication — Title not in issue — Writ petition filed for the limited purpose of a direction for incorporation of plots in the layout plan; issue of title neither arose before the Single Judge nor warranted adjudication — Observation of the Division Bench that the Corporation became the custodian of public interest held wholly perverse and unsupported by tangible evidence — Direction of the Single Judge to the Corporation to consider the application for incorporation within 60 days restored.

Shri Siddharth Bhatnagar, Senior Advocate, with Ms. Aastha Mehta, Mr. Rinku Garg, Mr. Nishant Rao, Mr. Pavan Verma, Mr. Pranav Arora and Mr. Saurabh Ajay Gupta, for the appellants. Shri Ashwani Kumar, with Ms. Iti Sharma and Mr. Puneet Sharma, for the respondent.

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