

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11874/2006

VIJAY GUPTA

..... Petitioner

Through Mr.Mike Desai, Adv.

versus

D.D.A & ANR

..... Respondent

Through Mr.Ajay Verma, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 10.03.2008

1. Learned counsel for the petitioner on instructions states that the petitioner has no objection to fresh demarcation being done by total station method.

2. The petitioner has filed the present writ petition for restraining the respondents from interfering in petitioner's property admeasuring 13 biswas in Khasra No.314/2, Village Pitam Pura, Delhi. The petitioner relies upon

khataunis, sale deeds as well as order passed by the Additional District Judge holding that the petitioner's land measuring 13 Biswas has not been acquired. It is also stated in the petition that the petitioner had approached the Revenue Authorities for demarcation of land in 1991 and demarcation was carried out. It is stated in the petition that inspite of the above facts in May, 2006, the respondent/DDA threatened to take action against the petitioner.

3. In the counter affidavit filed by DDA, it is stated that demarcation carried out on 14th August, 1991 is wrong as it was not made as per revenue records and the said demarcation report was not based on any Tatima Shajra or field book. A further prayer is made in the counter affidavit that a Court Commissioner may be appointed to carry out demarcation.

4. The dispute in the present case is whether the petitioner had encroached upon land belonging to DDA. I may note here that pursuant to the directions issued by the Court Commissioner, DDA has already removed encroachment allegedly made by the petitioner on the land located at Khasra No.314/1.

5. In view of the above, the Revenue Authorities will carry out demarcation of the area in question within three months from today by total station method as well traditional method after properly identifying permanent points as well as Tatima Shajra and field book of khasra Nos. 314/1 and 314/2.

6. Ten days advance notice by registered post and personal notice will be given to the petitioner and DDA by the Revenue Authorities.

7. With the above observations, the writ petition is disposed of.

8. It is clarified that the Court has not examined rights and contentions of the parties on merits. Parties will be at liberty to file appeal/proceedings in accordance with Law, if they have any grievance against the demarcation report.

DASTI.

SANJIV KHANNA,J

MARCH 10, 2008

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