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

+ W.P.(C) 1627/2015 & CM 2899/2015

% Date of decision : 25th February , 2015

KISHINCHAND CHOITHRAM
DARYANANI

..... Petitioner

Through: Mr. Sachin Dutta, Sr. Adv.
with Mr. Nikhilesh Kumar,
Adv.

versus

GOVT. OF NCT OF DELHI & ORS Respondents

Through: Mr. Gursharan Singh, Adv.
along with Mr. Debi Ram,
Kanungo, Tehsil Mehrauli.

**CORAM :-
HON'BLE MR. JUSTICE J.R. MIDHA**

JUDGMENT (ORAL)

1. Learned Senior Counsel for the petitioner submits that the petitioner has applied for demarcation of his land vide application dated 18th February, 2013. Learned Senior Counsel for the petitioner submits that the petitioner moved three applications before the respondent, namely, application dated 18th February, 2013 for demarcation of his land; application dated 12th May, 2014 for correction of the record and application dated 5th February, 2015 for exchange of land under Section 40 of the Delhi Land

Reforms Act, 1954.

2. Learned counsel for the respondents on instructions from Kanungo, Tehsil Mehrauli present in Court submits that the survey of the petitioner's land has been carried out and the survey report dated 6th November, 2013 has been submitted by the surveyor. It is further submitted that the demarcation of the petitioner's land is likely to be completed within a period of three months. Learned counsel for the respondents further submits that the petitioner's application dated 12th May, 2014 for correction of the record is also likely to be decided within a period of three months. However, the petitioner's application for exchange would be considered after the decision of the application for demarcation and correction of records.

3. Learned Senior Counsel for the petitioner submits that the respondents have carried out *ex parte* demarcation of the Gaon Sabha land in November, 2012 which has been challenged by the petitioner in appeal before respondent no.2. The petitioner has also challenged the said demarcation in this writ petition.

4. Learned counsel for the respondents submits that since the petitioner's appeal against the demarcation of Gaon Sabha land is pending before respondent no.2, the challenge to the same in this writ petition is not maintainable. It is further submitted that the petitioner would have legal remedies available in the event of the petitioner being unsuccessful in the appeal.

5. This writ petition is disposed of in terms of the statements made by the respondents. As agreed by the respondents, the

petitioner's application for demarcation of his land and correction of the record be decided within a period of three months from today. The petitioner's third application for exchange under Section 40 of the Delhi Land Reforms Act be decided within a period of three months from the date of the decision of the aforesaid two applications. The respondent shall afford reasonable opportunity of hearing to the petitioner before deciding the aforesaid three applications.

6. With respect to the challenge to the demarcation of the Gaon Sabha land, the petitioner is at liberty to pursue his appeal pending before respondent no. 2.

7. Copy of this order be given dasti to counsel for both the parties under the signature of the Court Master.

J.R. MIDHA, J

FEBRUARY 25 , 2015

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