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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 683/2015**  
**GRAM NANGLI JALIB VIKAS SAMITI**

..... Petitioner

Through Mr.Sunil Dalal and Mr. Ajay Kalra,  
Advocate

versus

**SOUTH DELHI MUNICIPAL CORPORATION & ORS.**

..... Respondents

Through Mr.Dig Vijay Rai and Mr.Syed  
Hassan Bin Taher Ms.Chetna Rai,  
Advocates for SDMC.

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

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**22.07.2016**

Petitioner is aggrieved by the fact that in spite of an illegal boundary having been raised around the triangular Park in Village Nangli Jalib, Ward No.109, Janak Puri, New Delhi, no action has been taken by the respondent. Submission being that by raising this boundary wall the area of the Triangular Park has been reduced.

Respondent no.1 is the SDMC. Respondent has filed an counter affidavit/response. Submission of the respondent is that Village Nangli Jalib, Janak Puri, New Delhi is an urbanized village in Delhi and the lay out plan of this village was prepared in 1982 which was modified on 08.2.1983. As per the lay out plan a park existed on the site in question. No dimensions were however noted. In June, 2011 the officers of the respondent learnt that the residents of the

village Nangli Jalib were planning to encroach upon the park and were planning to construct a temple at the site. A survey was conducted on 21.7.2011 and accordingly a proposal for the construction of a boundary wall was prepared. Approval for getting the boundary wall constructed was granted on 30.1.2012. Work order was issued on 08.02.2012. Thereafter a proposal was received by some of the residents of the village to increase the size of the boundary wall. This was objected to by the other residents. However, since the dimensions in the lay out plan had not been noted the answering respondent bona fide reconstructed the boundary wall of the park on exactly on the same place where the earlier stone wall existed. This was to safeguard the government land and maintain the green area of the locality; dispute have arisen primarily for the reason that there were no dimensions given in the lay out plan. Additional submission in the counter affidavit being that the drawings provided by the Horticulture Department were on the basis of verbal instructions by the Horticulture Department Inspector which inadvertently were not as per the approved lay out plan.

Copy of the approved lay out plan has been placed on record. Submission of the learned counsel for the petitioner that the approved lay out plan does not mention the dimensions of the park is evident from the lay out plan. Additional submission of the respondent that this petition appears to be motivated is also noted.

At this stage, learned counsel for the petitioner submits that an information obtained under the RTI Act from the Horticulture Department had reiterated that the lay plan is does have dimensions.

This position is answered by the earlier stand adopted by the respondent which is to the effect that the instructions of the Horticulture Department were verbal by certain Inspectors and which were inadvertent and not in conformity with the approved lay out plan.

Since the lay out plan which is a statutory document and admittedly does not mention any dimensions, the submission of the petitioner that the extended boundary wall was done bona fide is taken on record.

No further orders are called for in this petition which is disposed of accordingly.

**INDERMEET KAUR, J**

**JULY 22, 2016**  
**ndn**