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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3970/2013, C.M. No.7407/2013, C.M. No.5377/2014 &
C.M. No.776/2016

MOOL GRAMIN HARIJAN VIKAS PANCHAYAT

..... Petitioner

Through Mr. A. K. Mishra and Mr. Ajay
Tiwari, Advocates

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

..... Respondents

Through Mr. Mukesh Gupta, Standing Counsel
for SDMC
Mr. Pawan mathur, Standing Counsel
for DDA
Mr. Sachin Nahar, Advocate for R-3
and R-4
Mr. Bahar U. Baroi, Advocate for R-5
to R-7

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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19.08.2016

Petitioner before this Court is Mool Gramin Harijan Vikas Panchayat, a registered Society. The petitioner is aggrieved by the fact that illegal encroachment is being permitted to be carried out in Khasra No. 332 and 333, Hauz Khas Village, New Delhi. This is against the byelaws and is prejudicial to the interest of public at large.

Pleadings are complete. Arguments have been heard in part. Counsel appearing for the private respondents (respondents. No. 5 to

7) submits that the issue already stands decided and the fact that this land in khasra no. 332 belongs to the private respondents has been settled by the order of the SDM dated 12.05.2004. His further submission is that qua khasra no. 333 a dispute had arisen in which a Coordinate Bench of this Court had passed an order dated 01.10.2012.

Per contra, counsel appearing for the statutory body submits that the order passed by the SDM on 12.05.2004 has noted otherwise that order notes that demarcation of khasra no. 332 has to be carried out as the identity of the land is not clear and there appears dispute interse the parties i.e. the petitioner and respondents no. 5 to 7. The order passed by the Co-ordinate Bench of this Court in WP(C) 6286/2012 decided on 01.10.2012 had also noted that the writ petition filed by respondents no. 5 to 7 will be treated as a representation to the Department who will decide the issue qua the illegal construction if any in khasra no. 332.

Counsel for the respondent no.2 / DDA submits that the land in khasra no. 333 stand acquired by the DDA but 4 bighas of land had been encroached upon by the petitioner and possession of the same has not been given; another 11 bighas of land had been encroached upon by the Valmiki Mandir.

At this stage, counsel for the parties have also drawn the attention of this Court to an earlier order passed by this Court on 12.11.2014 wherein respondent no.5 to 7 has been directed to deposit costs/expenses for demarcation of land by hiring the total station method machine to be carried out by the Tehsildar, Hauz Khas. Against this order respondents no. 5 to 7 had preferred an LPA which

was disposed of on 25.05.2015. The LPA had noted that since respondents no. 5 to 7 were the contesting respondents and the petition had been filed by the petitioner, the petitioners of this writ petition would pay the initial cost and thereafter it would be open to the Government Department to consider if they have an obligation to bear the balance cost.

Learned counsel for the petitioner submits that he has instructions to state that he will pay the initial cost for the process of demarcation in terms of the directions given by the LPA Court in its order dated 25.05.2015. Demarcation accordingly be done in terms of the directions contained in the order dated 25.05.2015 and the cost shall be borne by the petitioner. Demarcation shall be carried out by the concerned Tehsildar within an outer limit of four months from the receipt of the application which is made before him.

No further orders are called for in this petition.

Petition disposed of in the above terms.

INDERMEET KAUR, J

AUGUST 19, 2016

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