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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2315/2016 & CM APPL. 9998/2016

SHYAMLAL YADAV

Through

..... Petitioner

Mr. Rajendra Kumar Tiwari with
Mr. Deva Mani Mishra, Advocates

versus

IRRIGATION AND FLOOD CONTROL
DEPARTMENT GOVT OF NCT OF DELHI
AND ORS

Through

..... Respondents

Mr. Gaurav Varma, Advocate with
Mr. R.M. Goyal, Asst. Engineer for
R-1.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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18.03.2016

Present writ petition has been filed seeking a direction to respondent nos. 1 and 2 to remove the unauthorised encroachment and protect the land measuring 7 bigha 19 biswa out of Khasra Nos. 1066 (0-13), 1077 (0-15), 1078 (0-7), 1079 (0-7), 1083 (0-8), 1084 (0-8), 1085 (0-8), 1086 (0-1), 1091 (0-1), 1092 (0-8), 1095 (0-8), 1096 (0-8), 1105 (0-8), 1106 (0-8), 1107 (0-8), 1108 (0-8), 1109 (0-8), 1110 (0-8) situated in Revenue Estate of Village Kadipur, Delhi which belong to respondent no. 1.

It has been averred in the writ petition that in 1979 the Govt. of NCT of Delhi acquired the aforesaid land and the same was handed over to the

respondent no. 1-Irrigation and Flood Control Department, Govt. of NCT of Delhi.

It has also been averred that the petitioner on 20th January, 1995 purchased a piece of land measuring 200 sq. yds in Khasra No. 1086 situated in Village Khadipur from respondent no. 3.

Learned counsel for the petitioner states that vide notice dated 23rd May, 2014 respondent no. 1 directed the petitioner to remove the unauthorised construction from the land bearing Khasra No. 1086.

Learned counsel for the petitioner states that the petitioner filed an RTI seeking information regarding status of the aforesaid acquired land and respondent no. 1 vide reply dated 6th February, 2016 stated that there is some encroachment in some portions of Khasra No. 1066, 1077, 1078, 1079, 1068 and 1091 since a long time and two court cases with regard to the encroachment are pending in which stay has been granted by the trial court.

Learned counsel for the petitioner emphasises that stay order has been granted by the Civil Court only in two cases, but no steps have been taken against other encroachments made by the respondent no. 3 and his associates.

Learned counsel for respondent nos. 1 and 2 states that after preparing a demarcation report in question, respondent nos. 1 and 2 are willing to take action in accordance with law.

Consequently, respondent nos. 1 and 2 are directed to carry out demarcation of property in question situated in the Revenue Estate of Kadipur, if necessary and thereafter remove encroachment, if any on public land, within twelve weeks. Needless to say, the action shall be taken in accordance with law and if any notice is required to be served upon

respondent no. 3, the same shall be served.

This Court also directs the Civil Judge (North), Rohini Courts, Delhi to dispose of Suit nos. 169/2014 titled *Shri Vipin Thakur Vs. The Asst. Engineer* and 170/2014 titled *Shri Murari Lal Vs. The Asst. Engineer* within six months in accordance with law. The concerned District Judge is also directed to monitor disposal of the aforesaid cases.

In the event of any lack of coordination between respondent nos. 1 and 2, any senior official of either of the said respondents shall be at liberty to ask the Chief Secretary, Govt. of NCT of Delhi to resolve the dispute and expedite the removal of encroachment.

With the aforesaid observations and directions, present writ petition and application stand disposed of.

Registry is directed to forward a copy of this order to District Judge, Rohini.

MANMOHAN, J

MARCH 18, 2016

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