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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4723/2013**
PAWAN KUMAR ANAND

..... Petitioner

Through None.

versus

EAST DELHI MUNICIPAL CORPORATION

..... Respondent

Through Mr. L.D. Joshi, Adv.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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25.07.2016

The petitioner has sought a prayer that the respondent/East Delhi Municipal Corporation be directed to release 4 bighas 9 biswas land comprised in khasra No. 3, rectangular No. 18 situated in the revenue estate of village Khureji Khas, Delhi. He is also seeking compensation. His submission is that the predecessor in interest of the petitioner was recorded as the owner of this land in the revenue records of the revenue department. In fact the father of the petitioner Hans Raj was the non-occupancy tenant in this land. He expired on 31.12.2010. Due to inadvertence and lack of legal knowledge, the petitioner could not get his land mutated in his name. Submission is that the respondent has developed a park in the aforementioned land. Since this land belongs to him, the same should be handed over to him.

In the counter affidavit filed by the respondent, it was stated

that this land has been acquired by the government authority and the petitioner has no right title left in the land if he had any earlier. Submission is that the respondent is in possession and maintaining this land for last more than 50 years. Documents relied upon by the petitioner are forged and fabricated. Additional submission being that even otherwise, a writ petition in these circumstances in view of the disputed questions of fact cannot be maintained and even if the petitioner seeks a remedy, it should be before the Civil Court.

Noting the above submission as also noting that none has appeared for the petitioner, this petition is dismissed in default as also for non-prosecution as also on merits in view of the submissions noted of the respondent.

INDERMEET KAUR, J

JULY 25, 2016

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