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

+ W.P.(C) 6042/2014 and CM Appl. no. 14720/2014

BALWANT SINGH

..... Petitioner

Through : Mr. Anil Kumar, Adv.

versus

GOVT. OF NCT OF DELHI & ORS Respondents

Through : Mr. Sachin Nahar, Adv. for
respondent nos. 1 to 4

Mr. Anand Yadav, Adv. for
respondent no. 9

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **18.04.2016**

Matter has been taken up today since 14th April, 2016 was declared a holiday.

Petitioner, claiming himself to be the resident of the village, has approached this Court by way of writ petition, for removal of the encroachment in Kharsa no. 71/29 admeasuring 37 bigha 9 biswas situated in Village Darya Pur Kalan, Delhi. Petitioner alleges that village pond was encroached.

A perusal of order dated 10th September, 2014 shows that learned counsel for the respondents had stated that respondent no. 3/Revenue

Assistant had already directed the Tehsildar, Narela to demarcate the aforesaid property and if any illegal and unauthorised encroachment was found in the subject property, to remove the same. Accordingly, the Court directed the Tehsildar to demarcate the property in question within two weeks and submit a report. It was further directed that respondent no. 3 shall take action for removing the encroachment within a week thereafter.

At the request of counsel for the respondents, vide order dated 10th October, 2014 further four weeks time was granted for demarcation. Subsequently, private respondents were impleaded on their filing the application in this regard.

On 27th May, 2015, it was brought to the notice of the Court that demarcation has already been carried out. 15 residents of the village filed CM No. 7141/2015 stating therein that demarcation was done without any advance notice to them. It was further alleged that competent authorities were trying to remove the applicants. As suggested by the learned Standing Counsel for the Government of NCT of Delhi, the Court clarified the order dated 10th September, 2014 to the extent that competent authorities shall remove the encroachments after giving a proper show cause notice, fair opportunity of hearing and after passing an appropriate order on the

objections to the show cause notice. It was further directed that the competent authorities shall satisfy that persons occupying the properties are the encroachers of the Gaon Sabha Land, while passing the order for removal.

Status report has been filed by the Sub Divisional Magistrate, Narela stating therein that in compliance of the order dated 27th May, 2015, a public notice was issued to the encroachers/unlawful occupants on the land bearing Khasra no. 71/29 of Village Dariyapur Kalan by the then SDM, Narela and the date of hearing was scheduled for 15th September, 2015, in response thereto, 11 persons/occupants appeared before the SDM, Narela and showed some documents regarding allotment, such as, LR-37 receipt, khasra girdawari, lal dora certificates etc. It is further stated that on 21st September, 2015 directions were issued to issue show cause notice in place of public notice, to the affected persons in compliance of the order. A survey was done by the revenue staff of SDM, Narela on 4th November, 2015. It is also stated that 86 show cause notices were issued and served by the SDM, Narela to the occupants as per the survey dated 4th November, 2015 including all affected persons, who had approached this Court as well as SDM, Narela. In response to these notices, 65 occupants appeared before

the SDM, Narela and submitted their documents regarding allotment such as LR-37 receipts, khasra girdawari, lal dora certificates etc. The occupants also objected to the demarcation carried out by the competent authority and sought re-demarcation of the land.

Mr. Sachin Nahar, counsel for the Government of NCT of Delhi submits that scrutiny of the documents are being conducted and appropriate orders would be passed by the SDM, Narela in due course, in accordance with law. Since action has been initiated in terms of the order dated 27th May, 2015 read with order dated 21st September, 2015, no further orders are required to be passed in this matter. Law will take its own course. It is expected that SDM, Narela will take action, in accordance with the aforesaid orders and the law and complete the same within three months. Compliance report be filed within 3½ months.

Writ petition is disposed of in the above terms.

A.K. PATHAK, J.

APRIL 18, 2016

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