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

+ **W.P.(C) 7935/2016**

RAHUL TYAGI & ANR. Petitioners

Through Ms.Payal Jain, Advocate.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY & ORS.

..... Respondents

Through Mr.Siddharth Dutta, Advocate for R-1
to R-5.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **07.09.2016**

C.M. No.32956/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(C) 7935/2016

There are two petitioners before this Court. Their prayer is to get the land (as mentioned in the petition) be converted for an agricultural purpose only. They are stated to be the sons of Virender Tyagi. Contention is that the petitioners and respondent nos.6 to 8 are the co-owners of agricultural land in part of the khasras as mentioned in the aforementioned petition falling within the revenue estate of Village Burari, Delhi. Further contention is that this land is co-owned by the petitioners as this land initially belonged to their grandfather. Admittedly, the land is presently in the name of Virender Tyagi (father of the petitioners) but the petitioners also claim a right/share in the said property. Further averments in the writ petition disclose that

a dispute arose in the year 1998; an oral settlement has been pleaded. The shares of the petitioners had not been allotted to them by their father. They had made a complaint before the Revenue Authorities. Submission is that the orders passed by the Revenue Assistant on 28.01.2016, 02.6.2016 as also on 16.8.2016 were on the complaint of the petitioners. Further submission is that the order directing the SHO to remove unauthorized construction in terms of the directions contained in the order of the Revenue Assistant dated 02.6.2016 has not been complied with. In spite of subsequent letters to the Revenue Authorities, these directions have not been complied with hence this petition.

Learned counsel for the petitioners at the outset has been put a query as to how they have interest in the land. Her answer is that in terms of the oral settlement arrived at between the petitioners and their father, they have interest in the said land and it was on the complaint of the petitioners that these proceedings have been initiated.

Per contra, learned counsel for the respondents submits that the petitioners have no locus standi to file the present petition, they do not have any concern in the matter as the land is not in the name of the petitioners but in the name of their father Virender Tyagi and his other brothers (against whom admittedly there is a dispute pending inter se the petitioners and their father).

In this view of this matter, this Court is of the view that this petition is wholly not maintainable. It is nothing but a wastage of its precious time. Learned counsel for the petitioners was in the

beginning advised to approach the Revenue Authorities to get his grievances address, if any, but she insists on an order being passed.

This petition is dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

SEPTEMBER 07, 2016
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