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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7776/2016**
NIHAL SINGH

..... Petitioner
Through Mr.Kuldeep Balhara and Mr.Sahil
Aggarwal, Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents
Through Mr.Siddhartha Shanker Ray,
Advocate.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **05.09.2016**

C.M. No.32130/2016 (exemption)

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

W.P.(C) 7776/2016 & C.M. No.32129/2016

Contentions in the writ petition disclose that a plot bearing no.450 was allotted to the petitioner in the year 1977. Disputes arose on encroachment. WP(C) No.9079/2009 was filed. This was disposed of on 15.01.2010 with a direction to carry out a fresh demarcation by TSM method. Objections were filed by the petitioner to the aforementioned report of the demarcation. Thereafter an order was passed on 26.8.2016 by the SDM which was assailed before the Financial Commissioner. He disposed of the revision petition on

29.7.2016. The revision petition was largely premised on the submission of the learned counsel for the petitioner (noted therein) that he had not been notified of the proceedings.

Today before this Court contention of the petitioner is that admittedly he has some excess land and he is ready to give up that excess land. He has drawn attention of this Court to the site plan filed on record (anannexure G). Contention is that the land which is proposed to be taken by the Revenue Assistant in Khasra No.450/2 of the petitioner and if this portion of the land is permitted to be taken away, his plot which is otherwise a two sided plot would become one sided. His submission is that he is ready to give up his excess land as required by the Revenue Assistant, but the land which he is proposes to take in Khasra No.450/2 may not be the right choice as it would be highly prejudicial to the interest of the petitioner as his two sided plot would become one sided.

Counter submission of the learned counsel for the respondent is that the petitioner cannot have a pick and chose choice and it is for the Revenue Authorities to decide as to which portion of the plot is to be taken.

Be that as it may, since it is an admitted case that the petitioner is ready to give up his excess land and the contention of the petitioner that by taking away this portion his two sided plot would become one sided and his interest would be severely prejudiced; the case of the petitioner be considered by the SDM/Revenue Assistant/Settlement Officer.

Parties are directed to appear before the SDM/Revenue

Assistant/Settlement Officer on 22.9.2016. He shall endeavour to dispose of the case of the petitioner expeditiously.

No further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

SEPTEMBER 05, 2016

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