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

+ W.P.(C) 11186/2015

VED PAL

..... Petitioner

Through:

Versus

GOVT.OF NCT OF DELHI

..... Respondent

Through: Mr.Naushad Ahmed Khan, Standing
Counsel (Civil), GNCTD with Ms.Astha Nigam,
Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

22.03.2016

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1. This public interest petition has been filed alleging that the respondent/GNCTD has failed to remove the encroachments over the Gram Sabha land in Khasra No.1729 measuring 20 bighas.

2. It is also pleaded by the petitioner that the said land should have been developed as park/playground for the benefit of the residents of Aya Nagar, Delhi.

3. In the counter affidavit filed on behalf of the respondent while denying the allegation of encroachment, it is explained:

“4. In regards to the contents of para (4) it is submitted that the land in question is in the ownership of Gaon Sabha but for the want of access, at present it is not possible to develop the park at the said Gaon Sabha Land.

....

6. In respect of the contents of para (6) it is submitted that the boundary wall has been constructed by the owner of adjoining private land upon his own land. However, the Gaon Sabha surrounded by private land is lying vacant.

There is no access to reach at this place of Gaon Sabha Land. It is further denied that the request of the residents is being ignored by Gaon Sabha for using this land for development work.....”

4. The petitioner has not chosen to file any rejoinder and the stand taken by the respondent in the counter affidavit that the land in question is vacant and there are no encroachments has not been disputed.
5. We, therefore, consider it appropriate to dispose of the writ petition recording the statement of the respondent in the counter affidavit and leaving it open to the respondents to take appropriate steps for development of the land in question for community use.
6. The writ petition stands disposed of.

CHIEF JUSTICE

JAYANT NATH, J

MARCH 22, 2016

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