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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2191/2016 & C.M. No.9396/2016

M/S SUMEL PROMOTERS PVT LTD

..... Petitioner

Through Mr. Sanjeev Narula, Mr. Ajay and
Mr. Annirudh Sharma, Advs.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through Mr. Santosh Kr. Tripathi, ASC with
Mr. Rizwan, Adv for GNCTD.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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10.10.2017

The petitioner claims himself to be the owner of 22 bighas and 8 biswas of land situated at Rectangle No. 17, bearing Killa Nos. 17, 18, 22, 23 & 24 situated in village Jonapur, Tehsil Mehrauli, Distt. South Delhi. He is stated to have purchased this land vide a conveyance deed dated 11.08.2006. The petitioner is aggrieved by the notice dated 18.02.2016 followed by another notice dated 09.03.2016 issued by the respondent asking the petitioner to remove the encroachment upon the land as the contention of the respondent was that the petitioner was occupying the land which was encroached upon and was belonging to the Government.

Learned counsel for the petitioner points out that W.P. (C) No.2868/2015 was filed by one Narendra Sharma which had been disposed of on 25.03.2015. This was a Public Interest Litigation wherein the complainant in that case had pointed out the

encroachments had been made upon certain lands which included the land of the petitioner. Learned counsel for the petitioner is relying upon the last paragraph of the aforementioned order wherein the Court while disposing of the petition had directed that the petition to be treated as a representation and all those persons who were in occupation of the aforementioned land, if need be, should be granted a hearing. Learned counsel for the petitioner is heavily relying upon this part of the order. Submission is that no hearing has been granted to the petitioner. Additional submission being that although a demarcation had been effected on 14.12.2015 yet it was according to the old method and not according to the Total Station Method (TSM). Further submission is that the petitioner was not a party to that demarcation. He has not been heard.

Learned counsel for the petitioner points out that the stand of the respondent in the counter affidavit filed in connected case i.e. W.P.(C) No.2187/2016 titled Inder Mohan Thapar Vs. Government of NCT of Delhi which is an endorsement of the stand of the SDM (placed before this Court) is to the effect that if this Court directs the respondent would carry out a fresh demarcation according to the TSM. This stand of the respondent has been recorded in the earlier order-sheets of the Court also.

This writ petition is accordingly disposed of with a direction to the respondent to carry out demarcation according to the TSM (by fixing date and time) of the alleged encroached land by giving notice not only to the present petitioner/his authorized representative

but also to all those persons who are in occupation of the alleged encroached land. This exercise shall be completed by the respondent within an outer limit of six months from today. Till that time, no coercive steps be taken against the petitioner. Needless to state that if the petitioner is aggrieved by the order passed on the demarcation, he is at liberty to challenge it in accordance with law.

Petition disposed of.

INDERMEET KAUR, J

OCTOBER 10, 2017

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