

\$~37

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

LPA 564/2017, CM APPL.30445-30447/2017

INDERJIT SINGH & ORS

..... Appellants

Through: Mr. Swastik Singh, Advocate.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Shadan Farasat, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

24.08.2017

%

Issue notice. Mr. Shadan Farasat, Advocate accepts notice. The appellant's grievance is with respect to the impugned order by which his writ petition was rejected. He claimed injunctive relief in a civil suit originally filed before this Court (CS (OS) 1992/2012). In that suit, the Single Judge had directed demarcation exercise to be carried out in respect of concerned property, i.e. khasra no.583 (0 - 5), Village Nasir Pur, Palam. Apparently, the demarcation reported that the subject land belonged to the Gaon Sabha. The concerned Sub-Divisional Magistrate (SDM) had apparently transferred the land to the DDA - and before the writ Court it took the position that the said authority (DDA) was free to remove encroachments and unauthorized constructions. Appellant's grievance is that the DDA's right, title and interest in the property was never disclosed and that there was no prior notice to him before the proposed demolition action. The learned Single Judge rejected his contentions after recording that he was a participant to the demarcation exercise and, therefore, was

aware of the report.

We have heard counsel for the parties.

On the one hand, the fact that the demarcation exercise is complete and the report made known to the appellant is undisputed. At the same time, the DDA's interest in the property and when it was in fact authorized by law for carrying out demolition of the property is yet unknown. The Court is also alive to the fact that the dispute which is the subject matter of the proceedings before the Civil Court (the suit having transferred subsequently on account of re-organisation of pecuniary jurisdiction of this Court) is between the third party defendant and the appellant where neither the SDM nor the DDA are parties. In these circumstances, the Court deems it appropriate to direct the authorities, respondent SDM and the DDA to report to the Civil Court seized of the suit (now renumbered as CS-15738/2016, on the file of the ADJ, Dwarka) about the details regarding the interest entitled to the suit lands and the authority to proceed with demolition. If necessary and so advised it is open to the appellant to take appropriate steps or claim such other relief as is deemed fit in such circumstances. The Court is also of the opinion that till such report is made, no precipitated action towards demolition even by issuing notices should be taken. If notice for demolition is given after the furnishing of such report to the Court, at least two weeks time should be provided to the appellant.

LPA is disposed of in the above terms, along with pending applications.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

AUGUST 24, 2017/vikas/
LPA 564/2017

Page 2 of 2