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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 641/2017

SANJEEV KUMAR SHARMA & ORS

..... Appellants

Through: None.

versus

GOVT OF NCT DELHI & ANR

..... Respondents

Through: Mr. Gautam Narayan with Mr. R.A. Iyer, Advocates for respondent No.1.
Mr. Bheem Sain Jain, Advocate for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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21.11.2017

CM Nos.35582/2017 (exemption)

CM No.35583/2017 (exemption)

Exemptions are allowed subject to all just exceptions.

LPA 641/2017 & CM No.35581/2017 (stay), CM No.35584/2017 (for condonation of delay), CAV. No. 854/2017

1. There is no appearance on behalf of the appellants; on the previous date of hearing, accommodation was sought and granted.
2. The appellants complain that the learned Single Judge fell into error in rejecting their writ petition. By that writ petition, the order made consequent to a demarcation report dated 28.05.2010 was upheld and the contention that the respondent was holding excess

land, rejected.

3. The record – i.e. the impugned order reveals that the petitioners/appellants appear to have agitated and re-agitated the matter many times over. They had approached this Court earlier too by filing WP(C) No.7585/2010 – an effort which was unsuccessful since the writ petition was dismissed. There was another writ petition i.e. WP(C) 1786/2010 as well.

4. Having regard to all these circumstances, the learned Single Judge was of the opinion that the reliance placed upon the order of the Collector dated 08.05.2001 was of no avail. The learned Single Judge affirmed as follows:-

“7. On this point, learned counsel for respondent No.2 points out that the petitioners were well aware of this demarcation which was proposed to be carried out and it now does not lie in the mouth of the petitioners to state to the contrary. Learned counsel for respondent No.2 has drawn attention of this Court to the handwritten orders passed by the SDM/Consolidation Officer dated 22.02.2010 wherein Mr. Satpal Singh, learned counsel for the petitioners had put his appearance before him wherein in his presence demarcation of khasra No. 171 & 171/1 was directed to be carried out; the Competent Authority had in fact also summoned the original record from the record room qua the earlier demarcation report dated 10.07.2002. It is also not the case of the petitioners that Mr. Satpal Singh was not their counsel. Thus, the argument of the learned counsel for the petitioners now canvassed before this Court that he was unaware of the proposed demarcation which was carried out on 28.05.2010 is clearly a mis-conceived submission. On 22.02.2010, learned counsel for the petitioners (Mr.

Satpal Singh) was very much present before the Consolidation Officer when the demarcation of khasra No. 171 was ordered to be effected and the earlier demarcation report dated 10.07.2002 had also been directed to be requisitioned.

8. *The petitioners already having availed various rounds of litigation and fact findings having been returned time and again by the Revenue Authorities have held that 14 biswas of land belonging to the petitioner in khasra No. 171/1 (of which the petitioners claim to be in physical possession) was the land which had vested in the Gaon Sabha way back in 1986. The petitioners were not able to get equitable relief from the various Courts before whom he had knocked the doors.”*

5. This Court is of the opinion that there is no merit in the appeal given that the issue of demarcation stood concluded in the earlier proceedings. The appellants’ grievance is therefore meritless.

6. The appeal is, consequently, dismissed.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 21, 2017
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