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

+ W.P.(C) 9851/2017

SH. VAJIUDDIN SABRI

..... Petitioner

Through: Mr C. S. Rathour and Mr R. P. S.
Bagha, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) AND ORS..... Respondents

Through: Mr Gautam Narayan, ASC with Mr
R.A. Iyer, Advocate for R-1 to R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.11.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“A. Issue appropriate Writ in the name of Mandamus or order or directing, commanding the respondents No. 1 to 3 to provide adequate and necessary police assistance while erecting a PUCCA /Permanent Boundary Wall and Gate on the vacant plot of land of the petitioner on Khasra No. 634/402, 407, 408 of Village-Uldhanpur, Shahdara, Delhi as shown in the "Aksh Sijra" and "Site plan" of the revenue authorities vide Annexure P-1, P-2 & P-3 located on the main G.T. Road, Shahdara, near/opp. Police Station- Shahdara, Delhi to prevent any illegal act(s), deed(s) or untoward incident(s) on the said property of the petitioner as well against the personal life, liberty and properties of the petitioner or his/their SPA holder, his/their employees, servants, authorised agents/persons by any anti-social elements, unauthorized persons, particularly directly or indirectly from and on behalf of Respondent no.4/Sh. Manoj Tiwari, acting M.P. (North East Distt.) &

President of Delhi Pradesh BJP keeping in view of the written complaint dated 31.10.2017 vide Annexure P-13 (Colly).

B. Issue appropriate Writ, Order or direction for conducting appropriate judicial inquiry or any other appropriate Inquiry as to how and under whose authority the Foundation Stone Laying Ceremony for the opening a "Kendriya Vidhalaya" of the "Kendriya Vidhayala Sangathan" was inaugurated on 23.02.2017 by Respondent No.4/ acting Member of Parliament (North East Parliamentary Constituency), Delhi & Delhi Pradesh BJP President Sh. Manoj Tiwari; the acting Hon'ble Union Minister of HRD and Chairman of Kendriya Vidhayala Sangathan Sh. Prakash Javadekar; Union Minister for State for HRD Sh.Upendra Kushwaha; Smt. Sarita Singh, MLA, Rohtash Nagar, Shahdara, Delhi, acting municipal Councillor-Shahdara; Sh. Puneet Goyal (Distt. Secretary, BJP), Sh. Jai Bhagwan Goyal and Harsh Madhotra, Mayor of MCD and their associates including Sh. Santosh Kr. Mull, Chairman of Kendriya Vidhalaya Sangathan, erring DDA officials, area Police officials, and all other erring persons/officials etc. and consequently pass appropriate order or direction to register crime/F.I.R. if appropriate against them on account of commission of an act of criminal house trespass, land grabbing, criminal intimidation, threat of life, misrepresentation, fabrication of revenue records, cheating, etc against the above named persons on the basis of the incident occurred on 23.02.2017, 15.08.2017 as shown in the Photographs vide Annexure P- 10 (Colly) & P-12 as well on the basis of the written complaint dtd. 31.10.2017 sent by the Attorney of the petitioner;"

2. The petitioner claims to be the owner of a plot of land in Khasra No.634/402, 407, 408 of Village- Uldhanpur, Shahdara, Delhi and has filed the present petition, *inter alia*, seeking directions in to facilitate building a boundary wall for protection of the said land.
3. The learned counsel for respondent nos.1 to 3 has pointed out the

averments made by the petitioner in paragraphs 4.7 to 4.10 of the petition which read as under:-

“(4.7) That thereafter contrary to the direction/orders of this Hon’ble Court dtd. 15.09.2014 in W.P. (C) 6146/2014, *supra*, a fresh demarcation/survey was ordered by the then SDM (Vivek Vihar), having no territorial jurisdiction over the above referred plot of land of the petitioner, through M/s Mapage Infrastructure Pvt. Ltd. on or about 18.04.2016 who submitted his false and incorrect/misleading/fabricated survey/demarcation report under influence of some vested interested persons, with the office of the then SDM (Vivek Vihar), Delhi vide his office letter No. 1219C/REVN.OLDANPUR/05/2016 dt. 19.12.2016 alongwith the false, incorrect and fabricated Drawing of the location of the said plot of land of the petitioner with his conclusion that Khasra no. 634/402, 407, 408 falls into heavily built-up area as shown in Drawing No. NEW DELHI/EAST DISTT.ULDHANPUR/DDA LAND/TOPO/SRY/16/R-1. In fact, the said survey/demarcation report is factually incorrect, false and fabricated and contrary to the earlier demarcation/survey report conducted under the valid official orders of the then SDM(Shah), Delhi having territorial jurisdiction over the plot of land of the petitioner, vide his office letter dtd. 30.10.2014. Moreover, the said Survey/Demarcation proceedings etc was false and incorrect because the same was also based on the **Pre-Chakbandi Stage of Land in Delhi i.e. prior to the year 1961** pertaining and that too pertaining to land revenue Khasra No. 222/200/1 of Mauza Chiraga Shumali. And the said Khsra No. 222/200/1 of Mauza Chiraga Shumali was duly acquired by the DDA and lateron allotted to Police Station-Shahdara, Delhi which is presently located on the said plot of land.

(4.8) And after getting above false and fabricated demarcation/survey report, the then Tehsildar (Vivek Vihar) namely Sh. Shivendra Kumar, in the office of the SDM (Vivek

Vihar) sent a copy of the aforesaid false and fabricated demarcation/survey report to the Dy. Director (Land), DDA, INA, New Delhi vide his office letter no. SDM/VV/2016/489/ dtd. 12.5.2017 alongwith copy thereof to the petitioner and his SPA holder herein.

(4.9) That feeling aggrieved upon the receipt of the above false, fabricated and incorrect demarcation/survey report dtd. 12.5.2017, petitioner was compelled to file a fresh Writ Petition (Civil) No.9238/2017 titled as “Vajiuddin Sabri (Through her Special Attorney) Vs. DDA(R-1), SDM(Vivek Vihar) (R-2) Shivendra Kumar, Tehsildar (Vivek Vihar)(R-3) seeking appropriate direction for proper and correct demarcation and rectification and correct of the revenue records pertaining to Khasra No. 634/402, 407, 408 of Vill. Uldhanpur, Shahdara, Delhi. And after hearing the arguments on the said writ petition, the Hon’ble Court vide Order dated 23.10.2017 granted permission to the petitioner to approach appropriate Revenue Authority under Section 64 of the Delhi Land Revenue Act, 1954 to Challenge the order passed by the SDM, Vivek Vihar dtd. 12.5.2017, supra, Vide Annexure P-9.

(4.10) That in compliance of the liberty granted by this Hon’ble Court the petitioner has already filed appropriate petition before the Dy. Commissioner (Shahdara), Delhi on 27.10.2017 and but no order or proceedings have been passed/initiated on the said petition till date.”

4. Learned counsel for the respondent nos. 1 to 3 also referred to the order dated 23.10.2017 passed by this Court, whereby the writ petition filed by the petitioner -W.P.(C) No.9238/2017 - challenging the report dated 12.05.2017 made by the SDM, was dismissed as withdrawn.

5. It is apparent from the averments made in the petition that in terms of the report dated 12.05.2017 the property claimed by the petitioner (which falls in Khasra no. 634/402, 407, 408) falls in a heavily built up area. Thus,

it is apparent from the above that the real controversy is as to the demarcation of the property in question. In the circumstances, the relief as prayed for in the petition cannot be granted. Admittedly, the proceedings initiated by the petitioner against the report dated 12.05.2017 is pending.

6. Accordingly, the petition is dismissed, leaving it open to the petitioner to pursue his alternate remedies.

7. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

NOVEMBER 07, 2017
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