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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9581/2015, CM Nos. 22644/2015 & 600-602/2017**
RAKESH PAL

..... Petitioner

Through: Mr. Umesh Sharma, Adv.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Satyakam, ASC for R-1 to 5 with
Mr. Amrendra, Teh. (Civil Lines)
Mr. Rambir Chauhan, Adv. for
applicants

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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12.01.2017

W.P.(C) 9581/2015

1. The present petition has been filed by one Rakesh Pal with the following reliefs:-

“I) Writ, order or direction in the nature of Mandamus or any other appropriate writ, order or direction in favour of the petitioner, and against the respondent thereby directing the respondent to conclude the pending proceedings u/s 86A of Delhi Land Revenue Act bearing No.54/RA/Kot/97 since 1997 regarding encroachment of land of Khasra No.18/3, belonging to Gaon Sabha of Village Jharoda Majra Burari admeasuring 2.8 Bighas and take the possession of the same immediately

without any further delay after recovering the due user and occupancy charges from the encroacher.

II) Writ, Order or direction in the nature of Mandamus or any other appropriate writ, order or direction in favour of the petitioner, and against the respondent thereby directing the respondent to protect the Gaon Sabha land from being encroached by constructing boundary on the same and by displaying specific board to this effect prominently displayed on the said land.”

2. The respondents 1 to 6 have filed a short reply cum affidavit wherein, in paras 3 to 5, they have stated as under:-

“3. That it was further reported that Shri Rajiv Girdhar and Shri Parvin Girdhar both Son of Shri Shyam Lal Girdhar have filed petition under Section 85 of the Delhi Land Reform Act, 1954, titled as Shri Rajiv Girdhar v/s Gaon Sabha Jharoda Mazra Burari, which is pending adjudication before the Court of Revenue Assistant Civil Lone and fixed for 20.12.2016.

4. That it was further reported that a case bearing Number 54/RA/97 under Section 86A of the Delhi Land Reform Act, 1954 titled as Gaon Sabha Jharoda Mazra Burari v/s Laxmi Narayan, for ejectment of illegal occupant from Gaon Sabha Land is pending before the court of Revenue Assistant, Civil Lines.

5. That the deponent states that the above stated matters

would be decided on merits and on priority at the earliest possible.”

3. Mr. Umesh Sharma, learned counsel for the petitioner states he has no objection if the proceedings under Section 85 of the Delhi Land Reforms Act, 1954 titled Rajiv Girdhar v. Gaon Sabha Jharoda Mazra Burari and the proceedings under Section 86A of the said Act numbered as 54/RA/97 titled Gaon Sabha Jharoda Mazra Burari v. Laxmi Narayan are decided by the SDM on priority basis.

4. I note, that no time period has been stipulated by the respondents 1 to 6 in their affidavit. Noting the stand taken by the respondents 1 to 6 in their affidavit and no objection of the learned counsel for the petitioner, the Court directs that the proceedings, as referred above, shall be decided within six months from today.

In view of the aforesaid order, Mr. Umesh Sharma seeks to withdraw the writ petition. The writ petition and the application being CM No. 22644/2015 are dismissed as withdrawn.

CM No. 602/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CM Nos.600/2017 (under Order 1 Rule 10 CPC) & 601/2017 (for stay)

In view of the above order passed by this Court, learned counsel appearing for the applicants in CM No.600/2017 and CM No. 601/2017 seeks to withdraw the aforesaid applications. The same are dismissed as withdrawn.

V. KAMESWAR RAO, J

JANUARY 12, 2017/ak