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

+ **W.P.(C) 865/2016**

JAWALA PRASAD

..... Petitioner

Through: Mr. R.K.Chandiwal and Mr. Ram
Kumar Jayant, Advocates

versus

THE FINANCIAL COMMISSIONER AND ORSRespondents

Through: Mr. Gautam Narayan, ASC with
Ms. Shivani Vij, Advocate for
respondent-GNCTD
Mr. V. P. Rana and Ms. Pooja
Wason, Advocates for respondents
No.4 to 6 & 7

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

30.08.2018

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Impugned order of 17th September, 2015 remands petitioner's Application (*Annexure P-4*) alleging illegal encroachment on the subject land to Deputy Commissioner while relying upon Section 28 of *the Delhi Land Revenue Act, 1954*. The Application (*Annexure P-4*) was filed before the Revenue Assistant, who vide order (*Annexure P-8*) had on the basis of demarcation report concluded that the respondent herein had encroached upon the subject land.

The grievance of private respondents is that the demarcation was conducted *ex parte* and the objections filed by them have not been considered by the Revenue Assistant in the order (*Annexure P-8*). Impugned order remands back the matter to the Deputy Commissioner

concerned as he has the jurisdiction to deal with the boundary disputes. Section 28 of *the Delhi Land Revenue Act, 1954* empowers the Deputy Commissioner to decide the boundary disputes.

Upon hearing, I find that the Application (*Annexure P-4*) essentially raises a boundary dispute and so, the jurisdiction is of the Deputy Commissioner to deal with the Application (*Annexure P-4*). As such, finding no error or infirmity in the impugned order, this petition is dismissed.

At this stage, learned counsel for petitioner submits that fresh application under Section 28 of *the Delhi Land Revenue Act, 1954* raising boundary dispute would be filed before the concerned Deputy Commissioner within three weeks from today. Upon receipt of said application, the concerned Deputy Commissioner shall with expedition, preferably within this calendar year, consider and dispose of the said application in accordance with law.

With aforesaid directions, this petition is disposed of.

(SUNIL GAUR)
JUDGE

AUGUST 30, 2018

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