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

+ **W.P.(C) 2459/2017 & C.M. No.10565/2017**

BRIJ KISHORE TYAGI & ORS Petitioners
Through **Mr.K.K. Tyagi, Adv. with**
Mr.Iftekhar Ahmad, Adv.

versus

GOVT. OF NCT OF DELHI & ORS Respondents
Through **Mr.Ashwani Garg, Adv.**
Ms.Reeta Gupta, DEO, Zone 9,
Education Department, for R-4.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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15.02.2018

The present petition has been filed by the petitioners who claim to be Bhumidars of two bighas of land in Khasra No.48/2 situated in Village Ibrahimpur, Delhi. The grievance of the petitioners is that since the respondent no.4/Director of Education, who has been allotted five bighas of land in the adjoining khasra Nos.48/1 & 47, was unable to get the vacant possession of five bighas of land in the aforesaid two khasras, they are trying to make up the deficiency by trying to take a portion of the petitioners' land which adjoins the land allotted to them.

Learned counsel for the petitioners submits that before taking possession of the land, it was the duty of the respondent no.4, to ensure that there is proper demarcation so that the land of the

petitioners is not taken by the respondent no.4 under the belief that the said land falls in Khasra Nos.47 & 48/1.

On the other hand, learned counsel for the respondent no.4 draws my attention to the various demarcation reports and submits that though the demarcation of the said land had already been carried out, the petitioners had objected to the same, which is apparent from the demarcation report dated 6th June, 2017.

At this stage, learned counsel for the petitioners submits that the petitioners were not satisfied with the demarcation report dated 6th June, 2017. They had filed objection to the said report on 3rd July, 2017. A copy of the said objections dated 3rd July, 2017, have been filed along with rejoinder affidavit as annexure P-9. He further submits that upon their moving an application to the Divisional Commissioner at Sham Nath Marg on 2nd February, 2018, a direction has been issued to the BDO (North) to get tatima application done. He, therefore, submits that the matter can be resolved if a tatima is prepared as directed by the Tehsildar.

In view of these subsequent developments showing that the concerned Tehsildar has already directed the BDO (North) to get the tatima done and the petitioners' objections to the demarcation report dated 6th June, 2017 are pending, the present petition need not detain me any further. The petition is accordingly disposed of with directions to the respondent nos.2 & 3, to dispose of the petitioners' objections dated 3rd July, 2017 within a period of four weeks and take consequential action as per law.

It may also be noticed that the present petition was filed along

with an application seeking stay to restrain the respondents from constructing any boundary wall in Khasra No.48/2 measuring 2 bighas without proper demarcation, and even though, no interim orders were passed by the Court, the respondents have not constructed any boundary wall till date.

The petition and application are disposed of in the above terms.

FEBRUARY 15, 2018/aa

REKHA PALLI, J