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

+ W.P.(C) 2306/2017 & CM APPL. 9903/2017

RAMESHWAR

..... Petitioner

Through: Mr. D.K. Devesh and Mr. Upendra
Pratap Singh, Advs.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Sanjoy Ghose, ASC, GNCTD
with Mr. Gaganjyot Singh, Adv. for
GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

23.10.2018

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1. In this Public Interest Litigation, grievance of the petitioner is that in Village Aya Nagar, Tehsil Mehrauli, New Delhi the BDO has allotted various lands comprising of Khasra Nos.1905 to 1910 and 1901 and 1902 situated near the Sati Mandir of the village after demarcation for establishment of a Christian Cemetery *inter alia* contending that the land belonging to the Gram Sabha can be used only for welfare of Village Aya Nagar; it could not be allotted to a particular community for establishment of a Cemetery and the peace and well being of the village would be disturbed, so also it would disturb the people visiting the Sati Temple.

2. Counter affidavits have been filed by the respondents and the site plan with regard to the Cemetery and the Mandir have also been brought on

record. From the demarcation report and the affidavit filed, it is seen that Khasra No.1915/2 has been earmarked for the development of a park and Khasra Nos.1928 and 1929 have been earmarked for establishment of a Christian Cemetery and the remaining area outside the Cemetery has been protected by a boundary wall. The construction of the Cemetery is in an area which is separated by a boundary wall and there is nothing to indicate that it would create any hindrance to use of other areas of land in the village in question. Illegal encroachments have also been removed and the allegation made in the counter affidavit also casts cloud on the bona fide of the petitioner in filing the present petition.

3. Keeping in view the counter affidavit and the site plan filed by the respondents on 22.10.2018, we find that the allotment of land for establishment of a Christian Cemetery does not in any way create any hindrance with regard to use of the Mandir or any other land in the area. The Cemetery has been protected by a well constructed boundary wall and we see no reason to make any indulgence into the matter exercising our extraordinary jurisdiction under Article 226 of the Constitution of India.

The writ petition stands dismissed. The pending application also stands disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 23, 2018

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