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

+ **W.P.(C) 3111/2016**

BRIJ KISHORE TYAGI AND ORS

..... Petitioner

Through Mr.Anil Nag with Mr.Iftekhar
Ahmed, Advs.

versus

PROMILLA DEVI AND ORS

..... Respondent

Through Mr.Lalit Kumar with Mr.Satendra
Singh, Advs for R-1 & 2.
Mr.Manmeet Singh, Adv for R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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12.04.2018

Vide the present petition, the petitioner has impugned the order dated 30.10.2015 passed by the Financial Commissioner, Delhi whereby the Financial Commissioner despite noticing the fact that demarcation of the land in question had been carried out at least 7 times earlier, has directed a fresh demarcation to be conducted by the Survey of India on its own or through its empanelled agencies within two months from the date of receipt of the aforesaid order.

The record shows that the present petition has remained pending in this Court from April, 2016 and despite no order granting stay of the impugned order dated 30.10.2015, the respondents have not taken any step to carry out the demarcation.

Today, learned counsel for the petitioner fairly submits that keeping in view the delay having caused in the matter, the petitioners are prepared to have a fresh demarcation even though there is no justification for the same, provided the same is carried out expeditiously.

Learned counsel for the respondent nos.1 & 2 does not oppose the said request, for an expeditious demarcation and states that respondent nos.1 & 2 will fully co-operate in the conduct of the demarcation. Accordingly, it is agreed between the parties that a fresh demarcation of the land in question, would in accordance with the impugned order be carried out by Survey of India, within eight weeks from today.

Learned counsel for the respondent no.3 assures the Court that they will take all necessary steps to have the demarcation carried out within eight weeks from today and notice of the date of proposed demarcation will be sent to the parties at least two weeks in advance. Information regarding the proposed date of demarcation would be additionally sent through counsels for the parties.

Learned counsel for the respondent no.3 submits that though respondent no.3 will issue requisite directions to the office of SDM, Civil Lines, Delhi to take necessary steps, but requests that a direction be issued to the SDM, Civil Lines, Delhi to get the demarcation carried out within the time and is directed to take expeditious steps to take action for getting the demarcation done within eight weeks by following the procedure prescribed in the impugned order passed by the learned counsel.

The parties would also abide by the directions regarding cost given by the Financial Commissioner in the impugned order dated 30.10.2015.

Copy of this order also be sent to the SDM, Civil Lines, Delhi for compliance.

The petition accordingly stands disposed of in the above terms.

REKHA PALLI, J

APRIL 12, 2018/sr