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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4892/2018**

RISHI PAL SHARMA

..... Petitioner

Through: Mr. Doko Devesh with
Mr. Uopo Singh, Advs.

versus

GOVT. OF NCT DELHI & ORS.

..... Respondents

Through: Ms. Shobhna Takiar, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **07.05.2018**

CM APP No. 18842/2018(exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 4892/2018 & CM APP No. 18841/2018

2. Issue notice.

3. Ms. Shobhna Takiar, learned counsel accepts notice on behalf of the respondents. In view of the direction that I propose to pass, learned counsel for the respondents says that she does not wish to file a reply. The substantive prayer made in the writ petition is as follows.

“(a) Issue an appropriate writ, direction or order restraining the respondent no.1 and 2 from demolishing the property of the petitioner i.e. H.No.261 situated at Khasra No.128 admeasuring 14 Biswa, Village Asola, New Delhi.”

4. The petitioner claims that the property in the prayer clause (a) of the writ petition is located in Khasra No.128, in village Asola, New Delhi. The petitioner, however, apprehends that the said property would be demolished, as according to him, incorrect demarcation has taken place.

5. To be noted, vide notice dated 3.5.2018, issued by the Government of NCT of Delhi, the office of the District Magistrate, (South), action by the official respondents is to be taken only qua the properties which are located in Khasra Nos.126 and 127, in village Asola, New Delhi. The ownership of which is claimed by the Gaon Sabha. The said land, according to the said notice, stands transferred to the Department of Forest via notification dated 24.5.1994.

6. Counsel for the respondents' states that a representation has been made in this behalf by the petitioner to the concerned District Magistrate.

6.1. My attention in this behalf is drawn to pages 35-36 of the paper book.

7. In these circumstances, the writ petition along with pending application is disposed of with the direction to the concerned District Magistrate to dispose of the representation of the petitioner within the shortest possible time. Pending the disposal of the writ petition, no coercive measures will be taken qua the petitioner's property. The District Magistrate would also accord personal hearing to the petitioner and, thereafter, pass a speaking order. In case the petitioner is aggrieved by the final determination he will be at liberty to assail

the same, albeit, in accordance with law.

8. Dasti under signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 07, 2018/ak