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

+ W.P.(C) 7715/2018 & CM. Nos. 29536/2018

M/S RANGOLI RESORTS PRIVATE LIMITED
AND ANR.

..... Petitioners

Through: Mr.Sanjeev Puri, Sr. Adv. with
Ms.Anubha Singh, Mr.Aishwarya
Kaushiq, Advs.

Versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI AND ORS.

..... Respondents

Through: Mr.Naushad Ahmed Khan, Addl.
Standing Counsel (Civil) for
GNCTD/R1 to R4

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **26.07.2018**

W.P.(C) 7715/2018

1. It is the submission of Mr. Sanjeev Puri, learned Senior Counsel appearing for the petitioners that the notice dated February 19, 2018, issued by the SDM Saket, do not mention the names of the petitioners or the Khasra numbers, over which, the petitioners claim their lawful title. According to him, the work of demarcation was awarded to M/s. Dhyani Consultants vide letter dated December 11, 2017, pertaining to the land

situated at Village Asola. However, from the perusal of the demarcation report dated March 17, 2018, it transpires that the same has been prepared even prior to the appointment of the said Consultant as it is clear from the reading of the report that the demarcation work was initiated on October 25, 2017 and completed on November 3, 2017. This aspect is contrary to the respondents' 1 to 4 own document as per which, the demarcation process had commenced only on November 28, 2017. He states that pursuant thereto, the respondents 1 to 4 had carried out demolition of the wall situated on the land in possession of the petitioners. According to Mr. Puri, the demarcation and demolition has been carried out by the respondents 1 to 4 without following the due process of law and without verification of the properties/all the documents/records. He also states that the pre-requisite for any demarcation to be carried out is a notice to the stakeholder as held by this Court in the case of *Mr. Harbans Lal Gambhir and Ors. Vs. Delhi Development Authority* in W.P.(C) 4576/1999 decided on September 3, 2005. It is also his submission that even otherwise, if the respondents 1 to 4 intend to eject the petitioners, the process as laid down under Section 84 of the Delhi Land Reforms Act, 1954, need to be followed.

2. Mr. Puri also relies upon an order passed by this Court in W.P.(C)

6579/2018, *Radha Soami Satsang Beas and Anr. Vs. Govt of NCT of Delhi and Ors.* on June 13, 2018. He states that the petitioners are ready and willing to approach the Deputy Commissioner, challenging the demarcation report. He submits, that till such time the petitioners approach the concerned Deputy Commissioner and the issue is decided, no coercive action should be taken.

3. Mr. Khan, learned Addl. Standing Counsel appearing for the respondent Nos. 1 to 4 submits that the petitioners should have approached the concerned Deputy Commissioner rather than approaching this Court in view of the liberty granted by this Court in CM No. 10048/2018 in W.P.(C) 4154/2016, filed by the petitioners wherein, this Court, noting the fact that a demarcation has been carried out, had observed that it shall be open for the petitioners to take appropriate steps for challenging the demarcation before the appropriate authorities as per the law. He further states that the aforesaid liberty was in accordance with the provisions of Section 28 of the Delhi Land Revenue Act, 1954. That apart, Mr. Khan disputes the submissions as made by Mr. Puri which are noted above. He states that after the demolition of the wall by the respondents 1 to 4 pursuant to the demarcation report, 70-80% of the wall has been constructed. This submission of Mr.

Khan is disputed by Mr. Puri who states, he has instructions, that only 30% of the wall has been constructed.

4. Be that as it may, having heard the learned counsel for the parties, noting the submission made by Mr. Puri, that the petitioners shall approach the concerned Deputy Commissioner, by way of a representation challenging the demarcation, this Court is of the view that the petitioners shall approach the concerned Deputy Commissioner on or before August 3, 2018 and till such time, the issue is decided by the concerned Deputy Commissioner, status quo with regard to the construction of the wall shall be maintained by the respondent nos. 1 to 4.

5. Both the parties shall file the photographs of the wall under construction on the land in question, as of today, in the Court by tomorrow.

6. It goes without saying that if the petitioners are aggrieved by the order to be passed by the Deputy Commissioner, the liberty is with the petitioners to challenge the same in accordance with the law.

7. It is clarified that any order to be passed by the concerned Deputy Commissioner shall not be given effect to, for three days of passing of the order.

8. Dasti.

CM No. 29536/2018

In view of the order passed in the writ petition, the application is disposed of as infructuous.

V. KAMESWAR RAO, J

JULY 26, 2018/akb