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

+ W.P.(C) 8525/2018

DR. SUBHASH VIJAYRAN Petitioner
Through: Petitioner-in-person.

versus

GOVT. OF NCT OF DELHI AND ANR. Respondents
Through: Mr. Kabir Sagar Ghosh, Adv. for
NDMC.

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

ORDER
14.08.2018

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Seeking removal of illegal encroachments from Village Nithari, Delhi and contending that in the land belonging to the Gram Sabha illegal encroachments are being made, petitioner claiming to be a resident of the same village has approached this Court and in support thereof places reliance on the judgment of the Supreme Court in the case of *Jagpal Singh and Others v. State of Punjab and Others* (2011) 11 SCC 396.

As the petitioner himself is a resident of the village in question where the encroachments are alleged to have been made, we are of the considered view that the petitioner can invoke the jurisdiction of the statutory authority under Section 86A of the Delhi Land Reforms Act, 1954 (hereafter referred to as 'the Act') which reads as under:

“86A. Ejectment by Revenue Assistant of persons occupying land without title

Notwithstanding anything contained in sections 84, 85 and 86, the Revenue Assistant also may, on receiving information or on his own motion, eject any person who is liable to be eject from any land on a suit of the Gaon Sabha under any of those sections, after following such procedure as may be prescribed.”

Keeping in view the aforesaid, we grant liberty to the petitioner to file a certified copy of this order along with the complaints before the statutory authority under Section 86A of the Act and the statutory authority is directed to proceed with the matter, follow the due process of law and take action as is permissible under law, preferably within a period of six months from the date of filing of the complaint before it.

Needless to emphasize that we have not expressed any opinion on the merits of the allegations made and it is exclusively for the statutory authority to hear all concerned and proceed in accordance with law.

The writ petition stands disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

AUGUST 14, 2018
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