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

+ LPA 588/2016 & CM APPL. 39858/2016

PREM SINGH

..... Appellant

Through:Mr. V P Rana with Mr. Prem Garg,Adv.

Versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through:Mr. Sachin Nahar, Adv.for R-1&2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **06.02.2018**

The appellant's grievance is that the proceedings which led to its eviction order in this case relating to Khasra nos. 24/2 and 24/7 of Village Narela, were unauthorised. He claimed to be an allottee in the 20 Point Programme formulated by the Central Government and in continuation of the enjoyment of the land since 1978.

Claiming that the appellant is an encroacher, local authorities i.e. the Block Development Officer initiated proceedings which led to the demolition of construction in Khasra no. 24/7.

The appellant had approached this Court at that time by filing writ petition no. 4760/2012 which was disposed of on 07.08.2012. The Court had directed the respondents to issue show cause notice before proceeding to evict the petitioner.

In the second round, as it were, the petitioner represented resisting the show cause notice and contended that he was a lawful occupant in terms of the directions made previously and more importantly, that the Block Development Officer was not authorised by law (under the provisions of Delhi Land Reforms Act, 1954) to

make any adverse orders.

The appellant relied upon Sections 84 and 86A of the said Act to say that the jurisdiction to adjudicate whether the petitioner was an unauthorised occupant was that of the Revenue Assistant. The representation was rejected and subsequently, the petitioner's challenge to the eviction order was also rejected.

This Court has gone through the materials on record.

It is evident that right from the inception, the petitioner/appellant had been questioning the authority of the Block Development Officer (who is the appropriate authority upon the directions of the Deputy Commissioner). However, the Single Judge has not dealt with this aspect.

In these circumstances, the Court is of the opinion that the question as to whether the procedure as mandated by law, including the provisions of Delhi Land Reforms Act, 1954, was followed and, if not, its consequences, should be gone into by the Single Judge.

The order is hereby set aside.

The writ petition shall be now heard afresh and finding rendered on this aspect. The parties are directed to appear before the Single Judge on 20th March, 2018.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 06, 2018/P