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

+ W.P.(C) 10327/2018 & CM No. 40274/2018

RITU JAIN

..... Petitioner

Through: Mr Chirau Jain, Advocate.

versus

NATIONAL HIGHWAY AUTHORITY OF INDIA
(NHAI) MINISTRY OF ROADS AND HIGHWAYS
GOVERNMENT OF INDIA & ANR

..... Respondents

Through: Ms Gunjan Sinha Jain and Ms
Soumya Priyadarshini, Advocates for
NHAI.

Mr Santosh Kumar Tripathi, ASC,
GNCTD with Mr Rishabh Oswal and
Mr Shashank Tiwari, Advocates for
SDM.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **28.09.2018**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 18.09.2018 issued by respondent no.1 (NHAI) whereby the petitioner has been called upon to remove the encroachment upon the highway land forming a part of the Right of Way (ROW).
2. The petitioner claims that the petitioner has not encroached upon any land or forming a part of the ROW acquired by the respondents. According to the petitioner, her entire property (a godown) is located in Khasra no.294/2/2, Old Village, Siraspur, Main GT Road, Delhi.
3. Ms Sinha, learned counsel appearing for NHAI has handed over the

map, which indicates that a small portion of the godown falls in 295/1 and a corner portion also falls in Khasra no.294. She further states that the demarcation was carried on 18.08.2018 in the presence of several villagers and a demarcation report dated 27.08.2018 was also prepared. She states that the part of the godown built by the petitioner falls in the area acquired for the purposes of construction expansion of the National Highway. She has handed over a copy of the notice dated 18.08.2018 as well as a copy of the award (award no.44/80-81) in respect of the lands acquired.

4. She states, on instructions, that respondent no.1 will only demolish the petitioner's structure which fall in Khasra nos. 295/1 and 294/2/1.

5. Mr Jain, the learned counsel appearing for the petitioner disputes the above contention. He insists that the respondents are carrying out demolition of structure located in Khasra no.294/2/2. Clearly, this dispute relates to the demarcation of the land in question. It is not apposite to entertain such disputes, which involve disputed questions of facts, in these proceedings. More importantly, if the petitioner is aggrieved by the demarcation report, she has an alternate remedy for redressal of her grievance.

6. The petition is, accordingly, disposed of with liberty to the petitioner to challenge the demarcation report in accordance with law.

7. Interim order stands vacated.

8. The pending application is also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 28, 2018/MK