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

+ W.P.(C) 10718/2018

M/S VALENTINE HOTELS AND RESORTS
PRIVATE LIMITED

..... Petitioner

Through Mr.Raj K. Mittal, Adv. with Mr.Nitin
Mittal, Mr.Kailash Rana & Mr.R.K.
Tiwari, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Sushil Kumar Pandey, Adv. with
Ms.Neha Sharma & Mr.Donna
Advocates for UOI/R-1.
Mr.Mukesh Kumar, Adv. with
Ms.Padma Priya, Ms.Soumya
Priyadarshni, Ms.Kritika Shukla,
Advs. with Mr.Aman Rohila, DGM
for NHAI/R-2.
Mr.Rishikesh Kumar, ASC with
Mr.PremSagar Pal, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.10.2018

C.M. No. 41761-62/2018 & 41779/2018

1. Allowed, subject to all just exceptions.
2. Applications are disposed of.

W.P.(C) 10718/2018 & C.M. No. 41760/2018

3. The petitioner has filed the present petition impugning the order dated 18.09.2018 whereby the petitioner has been called upon to remove all

moveable and immovable properties on the land of National Highway no.1 (now it is NHAI-44).

4. The impugned notice indicates that the petitioner has been found encroaching upon the Right of Way (ROW) in terms of the demarcation report released by the Tehsildar, Alipur, Delhi on 12.09.2018.

5. It is the petitioner's case that it has not encroached upon any land of ROW and is in possession of the lands, in question located in Khasra No.40 in the Revenue estate of village Nangli Poona, Delhi-110036. The petitioner has also produced the documents evidencing title of the said lands.

6. Mr Kumar, the learned counsel appearing for NHAI submits that NHAI has acquired the land located in Khasra No.56 and it is found that small portion of the part of the said lands (falling in Khasra no. 56 and not Khasra 40, which is owned by the petitioner) have been occupied by the petitioner.

7. It is apparent from the above that the dispute is, essentially, one of demarcation of land.

8. Mr Kumar, has also handed over a document that indicates that public notice of the exercise of demarcation was issued on 16.08.2018. The demarcation proceedings had taken place, thereafter, from time to time. The final report is submitted on 13.09.2018. It is also stated that the said demarcation was carried out in the presence of other villagers.

9. Since, the dispute relates only to the demarcation of the land located in Khasra no.56, in the revenue estate of village Nangli Poona, Delhi, this Court does not consider it apposite to examine the said controversy in these proceedings. It is, of course, open for the petitioner to challenge the demarcation report in accordance with law.

10. In view of the above, writ petition is disposed of with the aforesaid observations. The pending application is also disposed of.
11. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

OCTOBER 08, 2018
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