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

+ LPA 591/2018

RISHIPAL & ORS

..... Appellants

Through: Ms.Arunima Dwivedi, Adv. with
Ms.Preeti Kumara, Adv.

Versus

SUB DIVISIONAL MAGISTRATE & ORS

..... Respondents

Through: Mr.Jawahar Raja, ASC with
Mr.Chinmay Kanojia, Adv. for R-1-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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29.11.2018

C.M.No.43477/2018 (exemptions)

Allowed, subject to all just exceptions.

LPA No.591/2018

1. Seeking exception to an order, interlocutory in nature, passed by the learned writ Court on 4th September, 2018 in W.P.(C) No.9291/2018 directing the respondent/Sub Divisional Magistrate ('SDM') to construct boundary wall on the plot in question and do plantation in the area pending final decision of the writ petition, this appeal has been filed by the appellant/petitioner under Clause-10 of the Letters Patent.

2. The appellant claiming right, title and ownership over the property in

question had filed the writ petition and the respondent SDM claims that the property in question is a land belonging to the Gram Sabha and petitioner is not entitled to any benefit. The appellant sought injunction to restrain the respondents from making any construction or planting trees in the area and wanted maintenance of status quo.

3. The learned writ Court found that there is serious dispute with regard to the title and ownership and, therefore, directed that the land should be protected by construction of boundary wall and in the meanwhile, trees should be planted. However, it has further been observed that the construction of the boundary wall or plantation shall be subject to final orders that will be passed by the writ Court in the pending writ petition.

4. In passing such an interim order, the learned writ Court has not committed any error so grave in nature that interference in the matter at this interlocutory stage is called for.

5. Accordingly, finding no ground for making any indulgence into the matter, the appeal stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 29, 2018

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