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

+ W.P.(C) 331/2019

BRIJ BALA

..... Petitioner

Through: Mr. Rajeshwar Dagar, Advocate with
Mr. Swastik Singh and Mr. Utkarsh
Goel, Advocate.

versus

GOVERNMENT OF NCT AND ORS.

..... Respondents

Through: Mr. Jawahar Raja, ASC, GNCTD
with Mr. Chainmay Kanojia,
Advocate for R-1 to R-4 with
Mr. Ajit Kumar, Panchayat Secretary
and Mr. Dharendra Singh, EA, AG.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

%

15.01.2019

CM APPL. 1576/2019

Exemption granted, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 331/2019 & CM APPL. 1575/2019 (Stay)

Instant is the petition under Section 226 for directing the respondents not to dispossess the petitioner from the land in question i.e. Khasra No. 33/3/2 (1-1), situated in the revenue estate of village Sanoth, Narela, Delhi.

Learned counsel for the petitioner has submitted that the petitioner claims the possession over the said land of the Gaon Sabha through the purchase in the year 1997 and since then the petitioner is in the possession

and due to non-congenial atmosphere of the local MLA who belongs to the Bhartiya Janata Party, Mr. Sharad Kumar Chauhan, the official of the respondents bank upon to dispossess the petitioner from the property in question and submits that the petitioner may not be dispossess without following the due processes of law.

Mr. Jawahar Raja, ASC, GNCTD has pointed out that the petitioner neither in the possession nor is having the title, therefore, the present petition is not maintainable.

From the perusal of the record, it shows that the petitioner in its petition in para 4 has stated that the petitioner has purchased the land bearing Khasra No. 33/3/2 (1-1), situated in the revenue estate of village Sanoth, Narela, Delhi from Gaon Sabha, but has failed to disclose who was the earlier owner who sold this land to the petitioner.

So far as, the possession of the aforesaid land with the petitioner is concerned, the petitioner himself handed over the aforesaid land in favour of Mr. Ajit Kumar, Panchayat Secretary of the Gaon Sabha on 08.05.2018. The true copy of the same is filed by the petitioner at page 43 of the paper book.

The petitioner as on record is neither with the title documents nor with the possession of the land in question i.e. Khasra No. 33/3/2 (1-1), situated in the revenue estate of village Sanoth, Narela, Delhi. The possession of the land in question is already been handed over on 08.05.2018 and the present petition is filed on 14.01.2019, beyond the period of 60 days required under Section 6 of the Specific Relief Act, 1963.

Therefore, the present petition is not maintainable and the same is dismissed.

A copy of this order be given *dasti* under the signatures of Court Master.

I.S.MEHTA, J

JANUARY 15, 2019

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