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

+ LPA 41/2019, CM Nos. 2617-2618/2019

BRIJ BALA

..... Appellant

Through: Mr. Kirti Uppal, Sr. Adv. with
Mr. Swastik Singh & Mr. Raghu
Vasishth, Advs.

versus

GOVERNMENT OF NCT OF DELHI

& ORS.

..... Respondents

Through: Mr. Jawahar Raja, ASC (GNCTD)
with Ms. Kritika Padode, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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29.01.2019

CM No. 2618/2019

Exemption allowed subject to all just exceptions.

Application stands disposed of.

LPA 41/2019

1. The present Intra-Court appeal has been filed by the appellant challenging the order dated January 15, 2019 passed by the learned Single Judge in W.P.(C) No. 331/2019 whereby the learned Single Judge dismissed the writ petition.

2. The writ petition was filed by the appellant seeking a direction against the respondents not to dispossess her from the land in question i.e Khasra

No. 33/3/2 (1-1), situated in the revenue estate of village Sanoth, Narela, Delhi. It is a conceded case of the appellant before the learned Single Judge that the said land belongs to Gaon Sabha, though he had purchased the same in the year 1997 and since then the appellant has been in possession and has been enjoying the said land. It is at the behest of the MLA that the official of the respondents intended to dispossess the appellant from the property in question.

3. The learned Single Judge while dismissing the writ petition, has stated as under:-

“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.”

4. Mr. Kirti Uppal, learned Senior Counsel for the appellant has made only one submission that in view of Section 84 of the Delhi Land Reforms Act, the appellant could have been dispossessed at the behest of the Gaon Sabha and not by the respondents herein. He concedes to the fact that the

land belongs to the Gaon Sabha. On a specific query that whether there is any title document in support of the appellant purchasing the land or allotment of land, no reply is forthcoming.

5. On the other hand, Mr. Jawahar Raja, learned ASC, GNCTD has stated that the appellant is an encroacher and the possession of the land has been taken on May 08, 2018 itself and therefore, there is no necessity to initiate proceedings under Section 84 of the Delhi Land Reforms Act. This position is disputed by Mr. Kirti Uppal. Be that as it may, there is no denial by the appellant that the land belongs to the Gaon Sabha. In the absence of any title document showing the title of the appellant to the land, the plea of Mr. Kirti Uppal is a hypertechnical plea. The learned Single Judge was justified in dismissing the writ petition. We do not see any reason to interfere with the order of the learned Single Judge. The appeal stands dismissed.

CM No. 2617/2019 (for stay)

Dismissed as infructuous.

CHIEF JUSTICE

V. KAMESWAR RAO, J

JANUARY 29, 2019/ak