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

+ **W.P.(C) 8248/2019**

SRI RAJENDER

..... Petitioner

Through: Mr Ashok Kumar Singh, Sr.
Advocate with Mr Sanjeev Kumar,
Mr Ranvir Vats and Mr Ashutosh
Ranjan, Advocates.

versus

SUB-DIVISIONAL MAGISTRATE (SDM)

KANJHWALA AND ANR.

..... Respondents

Through: Ms Shobhana Takiar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.07.2019

CM No.34237/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 8248/2019 & CM No.34238/2019

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents restraining them from arbitrarily and whimsically fencing the land, which the petitioner claims is a part of his property (House No. 279, Village Kanjawala, New Delhi situated in Khasra No.137/1 old Abadi Lal Dora Khasra No.121). He further prays that an order be passed for demarcation of the entire land.

3. The learned counsel appearing for the petitioner submits that a writ

petition had been filed before this Court (bearing W.P.(C) No.6652/2018) alleging that the petitioner had encroached upon Gram Sabha land. He states that a copy of the petition was not served on the petitioner and orders were passed, pursuant to which action has been taken by the respondent authorities.

4. The petitioners in the aforementioned petition (W.P (C) 6652/2018) had prayed that directions be issued to the respondents to stop illegal and unauthorised construction being raised on a plot of open land measuring 2018 sq. yards, situated at Khasra No.134/1, Village Kanjhawala, Delhi. It was alleged that certain persons have encroached upon the said land, which was reflected as pond/*johad*.

5. In the said petition, a status report was filed by the respondents indicating that necessary action for stopping unauthorized construction had been initiated. In view of the said report, no orders had been passed in the said petition except to record the assurance of the respondents that necessary action would be taken for the removal of unauthorized construction. Clearly, the petitioner cannot raise any objections with regard to the said action, as unauthorised constructions are required to be removed and the respondents would be bound to comply with the assurance made to this Court.

6. The petitioner alleges that the construction raised on his private land had been demolished without any demarcation. In this regard, it is open for the petitioner to approach the authorities for carrying out the necessary demarcation and the concerned authorities would be required to do so. The petitioner states that a request for demarcation had been made, however, the

same has not been acceded to. He states that an application for demarcation had been made but no action had been taken pursuant to the said application.

7. Admittedly, the necessary fees for carrying on the demarcation has not been deposited. Plainly, once the petitioner makes an application in accordance with law and deposits the necessary fee with the concerned authorities, this Court finds no reason for the concerned authorities to not accede to the petitioner's prayer for demarcation.

8. Ms Takiar, learned counsel appearing for the respondents also states that there would be no objection in this regard.

9. In view of the above, no orders are required to be passed in this petition. The petition is disposed of. The pending application is also disposed of.

10. Order *dasti* under signatures of the court Master.

VIBHU BAKHRU, J

JULY 31, 2019
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