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

Date of decision : 4th September, 2019

+ LPA 572/2019 and CM Nos. 39792-39793/2019

SAARTHI AIRWAYS PVT LTD Appellant
Through: Mr. Jayant Mehta, Mr. Manish
Gandhi, Ms. Smriti Verma and Mr. Vikram
Chauhan, Advs.

versus

GOVERNMENT OF NCT & ORS Respondents
Through: Mr. Yeeshu Jain, Standing
Counsel with Ms. Jyoti Tyagi, Adv. for R-1
Mr. Rishikesh Kumar, ASC with Mr.
Premasagar Pal, Advs. for R-2, 3, 4 and 6
Mr. Mohinder J.S. Rupal, Mr. Hardik Rupal,
Mr. Prang Newmai, Mr. Koushik Ghosh,
Mr. Naman Garg and Ms. Aditi Shashtri,
Advs. for R-5/University of Delhi

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

04.09.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This Letters Patent Appeal has been preferred by the original petitioner whose W.P.(C) 8277/2019 has been finally disposed of by the learned Single Judge *vide* order dated 31st July, 2019.

2. Having heard counsel for the appellant (original petitioner) and the counsels for the respondents, it appears that the main prayer of this appellant (original petitioner) in the writ petition was about the

demarcation of the property of this appellant for which this appellant (original petitioner) had preferred a demarcation application on 24th August, 2019. The fees was also paid on 11th September, 2018. This appellant is claiming to be an owner of land bearing khasra no. 595/86 min.

3. It is submitted by the counsels for the respondents that demarcation of the property of this appellant (original petitioner) will be done in presence of this appellant. The demarcation of the property of this appellant (original petitioner) for khasra no. 595/86 min is not yet completed. The said demarcation process was earlier fixed to be carried on, on 30th August, 2019 but it was not carried out and that now it will be done within a period of three weeks. It is also submitted by the counsel for the Respondent Nos. 2, 3, 4 and 6 that the demarcation of the land of University of Delhi has already been done. Moreover it is further submitted by the counsel for the Respondent Nos. 2, 3, 4 and 6 that till the demarcation process of the land bearing khasra no. 595/86 min is over, there shall be no demolition in the said khasra, nor there shall be any construction allowed during the process of demarcation of land bearing khasra no. 595/86 min.

4. In view of the aforesaid submissions and looking to the facts and circumstances of the case, we hereby direct the Respondent Nos. 2, 3 and 4 to carry out demarcation of the land bearing khasra no. 595/86 min upon which this appellant (original petitioner) is claiming ownership. The demarcation process has nothing to do with the ownership and if any other party is also claiming ownership, the issue

of the ownership will have to be decided by the concerned trial court as per Section 15 of the CPC.

5. We also direct the Respondent Nos. 2, 3 and 4 to complete the demarcation of the land bearing khasra no. 595/86 min in presence of this appellant (original petitioner).

6. We also direct the Respondent Nos. 2, 3 and 4 not to demolish any superstructure till the demarcation process of the land bearing khasra no. 595/86 min is over.

7. We also direct the Respondent Nos. 2, 3, 4 and other respondents not to carry out any construction in the land bearing khasra no. 595/86 min till the demarcation process is over.

8. Counsel appearing for the appellant (original petitioner) is confining his prayer only for the demarcation of the land bearing khasra no. 595/86 min only and not for the demarcation of land bearing khasra no. 1307 of Village Fatehpur Beri, New Delhi at this stage.

9. LPA is disposed of in view of the aforesaid observations and the order dated 31st July, 2019 passed by the learned Single Judge is modified to the aforesaid extent.

CM Nos. 39792-39793/2019

1. In view of the orders passed in the writ petition, these applications stand disposed of.

CHIEF JUSTICE

SEPTEMBER 04, 2019/kr

C. HARI SHANKAR, J.