

\$~10

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

+ **CS (OS) 309/2018, I.As. 8322/2018, 8323/2018, 8324/2018 & 16109/2018**

KHAZAN SINGH & ANR

..... Plaintiffs

Through: Mr. Ritesh Khatri and Mr. Vijay Kumar, Advocates. (M:9899891989)

versus

SH. INDRAJ & ORS.

..... Defendants

Through: Mr. Anuroop P.S., Advocate for D-1 & 31 to 35. (M:7582818838)

Ms. Warisha Farasat and Ms. Rudrakshi Deo, Advocates for GNCTD (M:9971285632) with Mr. Ranvir Singh, patwari & Kanungo (M:9953825580)

Mr. R. H. Siddiqui, Advocate for D-11. (M:9899723166)

Ms. Mehak Tanwar, Advocate for D-67.1, 67.2 & 69.1 to 69.10. (M:9711859466)

Mr. Rohit Kumar, Advocate for D-70.1, 71 to 74, 76.1, 92.1, 92.2, 93.1 to 93.5 & 96.1 to 96.5. (Ph:41523668)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **25.01.2019**

Ms. Warisha Farasat, learned counsel appearing for GNCTD has produced the Khatauni for Khasra No.176 situated in village Kotla Mahigiran, Mehrauli, Delhi, which shows that the Joint Water & Sewerage Board is recorded as holding *bhumidari* rights of the said land. Certified copy of the said khatauni, which is handed over today, is taken on record.

Learned counsel for Defendant Nos.1 & 31 to 35 submits that he is in possession of the land being claimed by the Plaintiffs. However, an application has been moved before the SDM for effecting a correction in the records and the same has been pending for the last 20 years. The claim of possession by Defendant Nos.1 & 31 to 35 is challenged by the Plaintiffs and other Defendants. It is submitted that the parties are in joint possession.

Considering the Khatauni, which has been produced before the Court and the fact that the application for rectification is pending before the SDM, the present suit is not liable to be entertained at this stage. The SDM is directed to decide the said application for rectification within a period of one year from today. Upon the decision of the SDM being passed, the Plaintiffs are given liberty to challenge the power of attorney dated 20th April, 1998 in accordance with law, if the need so arises. The question as to whether the present suit has been filed within limitation or not has not been gone into by this Court.

The suit is disposed of with these observations. All pending I.As. also stand disposed of.

Original Khatauni Register is returned. Learned counsel for Defendant Nos.1 & 31 to 35 to supply a copy of the application for rectification pending before the SDM to Ms. Farasat, counsel for GNCTD as well as to learned counsel for the Plaintiffs within one week.

PRATHIBA M. SINGH, J.

JANUARY 25, 2019/dk