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

+ **W.P.(C) 8963/2015 & CM No. 20154/2015**

SUNDER LAL SINGHAL & ORS

..... Petitioners

Through: Mr S. K. Verma and Ms Megha,
Advocates alongwith petitioner in
person.

versus

GAON SABHA MOLARBAND

..... Respondent

Through: Mr Zahid Hanief, Advocate for Mr
Naushad Ahmed Khan, ASC Civil,
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.01.2019

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

“(i) issue a writ of mandamus or any other writ(s), order(s), direction(s) directing the respondents not to dispossess/eject the petitioners from their property part of khasra no. 1037 measuring 450 sq. yards of village Molarband, Delhi without following due process of law.”

2. The petitioners state that their predecessor in interest had purchased the land measuring two bighas being a part of Khasra No. 1037 in Village Molarband, Tehsil Meharauli on 10.11.1986. He had thereafter raised construction over the same. It is stated that the said construction is in the possession of the petitioners, however, the rest of the land was disposed of by them in the year 2005.

3. The petitioners claim that on 11.09.2015 certain officials of the respondent had tried to dispossess the petitioners from their property and aggrieved by the same, the petitioner had preferred the present petition.

4. The respondent had filed the counter affidavit unequivocally stating that the respondent had not taken any action to remove any construction from Khasra No. 1037 as that is a private land. The respondent states that it had issued notice to all persons who have encroached on Gaon Sabha land located in Khasra No. 1036 and 1038 in Village Molarband, Tehsil Meharauli, New Delhi. The respondent further states that a demarcation exercise for demarcating the Gaon Sabha land (including land located in Khasra No. 1036 and 1038) through Total Station Method (TSM) was carried out by the staff of the revenue department. Prior notice of the said demarcation exercise was issued on 13.10.2015 to all adjoining land holders and the site plan was prepared on 20.02.2016.

5. In view of the above statement, it is clear that no coercive steps are being taken by respondents with regard to land located in Khasra No. 1037. The action of respondent is directed towards removing encroachment over lands located in Khasra No. 1036 and 1038. If the petitioner is aggrieved by such demarcation, the petitioners have an alternate remedy for redressal.

6. In view of the above, no orders are required to be passed in this petition. The petition and the application are disposed of.

VIBHU BAKHRU, J

JANUARY 14, 2019
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