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

+ W.P.(C) 11512/2019 & C.M. No.47299/2019 (for stay)

ARUN DEV RANA

..... Petitioner

Through: Mr. Shekhar Gehlot & Ms. Arunima Goel,
Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondents

Through: Mr. Naushad Ahmed Khan, ASC (Civil),
GNCTD with Mr. Zahid Hanief &
Ms. Manisha Chauhan, Advocates.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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03.02.2020

1. This writ petition is filed by the petitioner seeking quashing of the notice dated 25.10.2019. Writ is also sought to restrain the respondents from interfering in the peaceful possession of the petitioner in property being khasra Nos.39/23, 39-7/2 and 39/50 situated in revenue estate of Village Khera Garhi, Delhi.

2. At the outset, learned counsel for the petitioner points out that on identical facts, this court in W.P. (C) No.12088/2019 titled *Ravinder Kumar & Ors. vs. Govt. of NCT Delhi & Ors.* decided on 26.11.2019 has referred the matter to the concerned SDM to give a hearing.

3. Learned counsel for the respondents states that they have already filed their counter-affidavit. In the counter-affidavit, it has

been stated that khasra No.39/26 (18-16) in Village Khera Garhi belongs to Gram Sabha as 'Johar/pond land'. Reliance is also placed on orders of this court in W.P. (C) No.3502/2000 titled *Vinod Kumar Jain vs. Govt. of NCT of Delhi* wherein directions were passed to the respondent to restore all water bodies.

4. I may note that in the earlier order passed by this court in W.P. (C) No.12088/2019 dated 26.11.2019 *Ravinder Kumar & Ors. vs. Govt. of NCT Delhi & Ors.*, this court held as follows :-

"9. In my opinion, there are averments about long occupation by the petitioners though this aspect has been denied by the learned counsel for the respondent. However, the respondent were obliged to follow the principles of natural justice before taking coercive action against the petitioners. As it is a fact that the same has not been done, I put the impugned order in abeyance for the time being.

10. The present writ petition may be treated as a representation of the petitioners by the respondent. The respondent may give a hearing to the petitioners and thereafter pass a reasoned order on the said representation.

11. Let the concerned SDM give a hearing to the petitioners on 12.12.2019 at 3.00 P.M. The learned SDM is free to postpone the date of hearing for some other date if for some reasons it seems appropriate to do so. The petitioners may file additional documents to support their submissions within one week from today. The concerned SDM may dispose of the representation of the petitioners by a speaking order. The respondent are free to take steps pursuant to the orders of the SDM, if required. If the petitioners are also aggrieved by the said speaking order, they are free to challenge the same as per law.

12. This order is being passed in the peculiar facts and circumstances of the case.”

5. The aforesaid writ petition also pertains to a land situated at khasra No.39/26 (18-16) of Village Khera Garhi. As the facts of this case are virtually identical to the aforementioned case, it would be in the interest of justice that the same relief is granted to the petitioner herein.

6. The petition is disposed of with the directions as stated in para 11 noted above in order dated 26.11.2019 in W.P.(C) No. 12088/2019.

7. The petitioner shall appear before the concerned SDM on 20.02.2020 at 3:00 PM for personal hearing. The concerned SDM may dispose of the representation of the petitioner within three weeks thereafter by appropriate speaking order, as per law.

JAYANT NATH, J.

**FEBRUARY 03, 2020
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