

\$~12

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

+ **W.P.(C) 5672/2020**

JAIPUR UDYOG LTD

..... Petitioner

Through: Mr. Kirti Uppal, Senior Advocate
with Mr. Vishal Singh, Mr. Siddharth
Chopra and Mr. Aditya Awasthi,
Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Devesh Singh, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

26.08.2020

The hearing was conducted through video conferencing

CM APPL. 20525/2020 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed-off.

W.P.(C) 5672/2020 & CM APPL. 20524/2020 (stay)

3. Issue notice.
4. The learned ASC named above accepts notice on behalf of the respondents.
5. At joint request of the parties, the petition is taken up for disposal.
6. The petitioner claims to be the owner of 63 bighas 09 biswas of land in Khasra No. 161, Village Bijawasan, New Delhi. In a related

demarcation exercise apropos his neighbour's property, the petitioner was present and that exercise got completed peacefully. However, according to the State, the petitioner was found to be in possession of excess land. It is this excess land, which the impugned notices by respondent no. 3, seek to take over from the petitioner.

7. The petitioner states that he has not received any communication from the State regarding the part of the excess land in his possession, which the State seeks to take away.
8. The court is of the view that in fairness, the State should communicate its detailed order, alongwith the demarcation report or a map specifying the area which, according to the State, is in excess, ergo, in unlawful possession of the petitioner. In the absence of such communication, any action by the State would be deemed arbitrary. It would be prejudicial to the interest of the petitioner. In the circumstances, let the State supply the petitioner, all such information, before any precipitate measures are taken against it. On receipt of such information, the petitioner shall have 2 weeks' time to invoke remedial measures as per law, before the State can initiate any action in terms of the said communication.
9. The aforesaid intimation shall be supplied to the petitioner at the aforementioned address as well as through its counsel-Mr. Vishal Singh, through e-mail as well.
10. Mr. Kirti Uppal, the learned Senior Advocate for the petitioner, submits that officers of the State are literally standing at the gates of the petitioner's property with a view to enter it and alter the *status quo*.

11. In view of the above, *status quo* shall be maintained till the 2 weeks' time granted to the petitioner, as mentioned hereinabove, expires.
12. The writ petition, alongwith pending application, is disposed-off in terms of the above.
13. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 26, 2020

AB