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

+ W.P.(C) 10782/2016 & CM APPL. 42195/2016, 42197/2016

RAJ KUMAR & ORS

..... Petitioners

Through: Mr. Rajesh Gupta and Mr. Harpreet
Singh, Advocates

versus

BLOCK DEVELOPMENT OFFICER (NORTH) & ORS

..... Respondents

Through: Mansi Gupta, Advocate for R-2/
NDMC
Ms. Warisha Farasat, Mr. Bharat
Gupta and Ms. Hafsa Khan,
Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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17.01.2020

1. This writ petition is filed by the petitioners seeking to impugn the notice dated 07.11.2016 issued by respondent No.1 in respect of the land bearing khasra No. 51/8, 12, 31/1, 18, 19, 20, 21, 22/2, 23, 58/2, 41/18, 17, 24, 25, 53/4, 53/14, 2/22, 5/11, 5/1, 2, 3/1, 8/2, 9 & 10 total measuring 106 bigha and 10 biswa in village Sahibabad, Daulatpur, Delhi. Other connected reliefs are also sought.

2. The case of the petitioners is that under the 20 point programme of the government for rehabilitation of the landless persons and harijans, they were

allotted certain lands in 1985. Subsequently, some acquisition proceedings took place on the land. The petitioners agitated the same before this Court and the Supreme Court. The acquisition proceedings were ultimately dropped. They have now been issued with the impugned notice dated 07.11.2016 which directs them to remove themselves from the land in question within seven days of publishing of notice failing which the department will be constrained to demolish the said acquisition.

3. Learned counsel for the respondent has pointed out that after acquisition had lapsed, the concerned Gram Sabha had repossessed the land in question. It is further stated that is apparent from the revenue records which show that the property belongs to Gram Sabha and is mutated in the name of Gram Sabha. Hence, she states that the notice has been lawfully issued.

4. A perusal of the certificate relied upon by the petitioners to show title shows that the land has been allotted for a period of 15 years. Other restrictions were also placed on the rights of the petitioners. It is put to the learned counsel for the petitioner that the duration of the lease of the land itself being limited, it would be within the domain of the respondent to take appropriate steps as per law. However, learned counsel for the petitioners has vehemently urged that the petitioners have remained in occupation of the land since 1986 and they have vested rights in the land and cannot be evicted simply in this manner without even giving a show cause notice. Learned counsel for the petitioner also refutes the contentions of the respondents that the land has been reclaimed by the respondents.

5. It is true that the respondent has also not been able to show the procedure by which the land was allegedly resumed by the department.

Further given details are sketchy as to why the impugned notice has been issued. Let the respondents No.1 and 2 treat the present writ petition as a representation to the said respondents. The respondents may also hear the petitioners through an authorized representative. Thereafter, the said representation may be disposed off by a speaking order.

With the above directions, the writ petition stands disposed of. Pending applications also stand disposed of. If the petitioner is aggrieved by the written order, liberty is granted to challenge the same as per law.

JAYANT NATH, J

JANUARY 17, 2020

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