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

% *Decided on: 3rd February, 2023*

+ **W.P.(C) 1378/2023 & CM APPL. 5138-5139/2023**

RAMESH PRASAD SINGH Petitioner

Through: Mr. Sanjay Dewan, Ms. Shivani
Pruthi, Advocates
(M:9811036782)

versus

GOVERNMENT OF NCT DELHI & ANR Respondents

Through: Mr. Satyakam, ASC with Ms.
Pallavii Singh, Advocate for
R-1&2(M:9643238429)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

CM APPL. 5138/2023 (under Section 151 CPC for exemption)

1. The present is an application under Section 151 CPC for exemption from filing typed, legible and certified copies of the dim, illegible and uncertified copies of annexures.

2. Allowed, subject to just exceptions. Application is disposed of.

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3. The writ petition has been filed with directions to the respondents to notify that property No. A-83-A of the petitioner falls under Khasra No. 78 of village Neb Sarai and is not part of either Forest land or part of 221 Village Saidulajab as shown in the data of the Revenue Department, GNCTD. There is further prayer for fresh

demarcation of the land of the petitioner to be conducted in his presence and for necessary corrections in the revenue records.

4. It is seen that similar issue had been raised before this Court in W.P.(C) 4808/2021, *Kapil dev Prashar versus GNCTD and Ors.* By order dated 16.12.2022, this Court had directed that demarcation of the area in question be carried out. The relevant portion of the order dated 16.12.2022 is reproduced as below:

“.....

7. *The moot question to be decided in this case is whether the area which is in occupation of the petitioners falls under Khasra No. 78/ 79 in Village Neb Sarai, as contended by petitioners or the said area falls in Khasra No. 221 of Village Saidulajab, as per the contention raised on behalf of the respondent No. 1. This issue can only be decided if a demarcation is carried out to ascertain whether the area occupied by the petitioners falls in Khasra No. 78/ 79 in Village Neb Sarai or whether the same falls in Khasra No. 221 of Village Saidulajab. Thus, it is deemed expedient that fresh demarcation of the area in question is carried out. Since this Court vide order dated 13.12.2021 in W.P.(C) No. 390/2021 has already directed that demarcation of the area be carried out, it is directed that fresh demarcation be carried out by the DM (South), Revenue Department, GNCTD of the area in question. During the course of demarcation, the Revenue Department, GNCTD may specifically ascertain as to whether the property bearing Nos. A- 85, B-86, A-87, A-83 fall under Khasra No. 78/79 of Village Neb Sarai or whether the said properties fall in Khasra No. 221 of Village Saidulajab.*

8. *Till the demarcation is finalised by the respondents, status quo with respect to possession and construction be maintained.*

9. *Further, liberty is granted to the petitioners to take*

recourse to appropriate legal proceedings in case they are aggrieved by the demarcation carried out by the respondents.

.....”

5. Perusal of the aforesaid shows that there are already directions passed by this Court with respect to demarcation specifically of the property No. A-83, while property in question in the present case is A-83-A, which is adjacent to property No. A-83. Thus, in the present case also the directions are issued that the demarcation be carried out in terms of orders already passed by this Court.

6. It is further directed that till demarcation is finalised by respondents, status quo with respect to possession and construction be maintained.

7. Further, liberty is granted to the petitioner to take recourse to appropriate legal proceedings, in case they are aggrieved by demarcation carried out by the respondents.

8. The present writ petition is disposed of with the aforesaid directions, along with pending applications.

MINI PUSHKARNA, J

FEBRUARY 3, 2023/au