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

% *Decided on: 25th May, 2023*

+ W.P.(C) 7356/2023 & CM APPLs. 28647/2023 & 28648/2023
RAJENDRA SINGHI HUF AND ANR. Petitioners

Through: Mr. Hari Kishan with
Mr. Narita Gupta and
Mr. Akarsh Sharma, Advocates.
(M): 9818038911
Email: hka.delhi@gmail.com

versus

GOVT OF NCT OF DELHI AND ORS. Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

CM APPL. 28648/2023 (Application on behalf of the petitioners under Section 151 CPC seeking exemption from filing annexures)

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

W.P.(C) 7356/2023 & CM APPL. 28647/2023 (Application under Section 151 CPC seeking stay against the illegal encroachment of land of the petitioners by respondent no. 2)

3. The present writ petition has been filed with prayer for directions to the respondent no. 1 and 2 to demarcate the land of the petitioner no. 1 i.e. land measuring 12 bighas (2.5 acres) bearing Mustatil No.61, Killa nos. 9 min (4-01), 10 min (1-15), 11/2 min (1-10), 12 min (4-09) situated near Suri Farm, nearby Sundarvan Church Road, situated in the Revenue District of Mehrauli, Tehsil Mehrauli, South District, New Delhi.



4. It is the case on behalf of the petitioners that petitioner no. 1 is Hindu Undivided Family. It is further submitted that petitioner no. 2 as well as respondent no. 3 own adjoining lands belonging to Hindu Undivided Family.

5. It is the case on behalf of the petitioners that petitioner no. 1 is the owner and in possession of agricultural land measuring land measuring 12 Bighas, as aforesaid, which was purchased from M/s Top Mark Properties Ltd. through registered sale deed dated 23.11.2016. It is submitted that petitioner no. 1 got recorded its name in the revenue record for the aforesaid land purchased by it.

6. It is submitted that there have been transactions with respect to the land adjoining the property of the petitioner. It is submitted that there is no demarcation as such, due to which respondent no. 3 herein who purchased the agricultural land measuring 3.09 acres adjoining to the land of the petitioner, is trying to encroach upon the land of the petitioners.

7. Issue notice.

8. Notice is accepted by learned counsel appearing for respondent nos. 1 and 2.

9. Considering the submissions made before this Court, that the only prayer made before this Court is with respect of the demarcation of the land in question so that all the different parties can enjoy their respective portions of properties under their ownership, this Court deems it expedient to direct demarcation of the land of petitioner no. 1 and 2 and respondent no. 3.

10. It is directed that the respondent no. 1 and 2 shall carry out the



demarcation after hearing all the concerned parties including petitioner no. 1, 2 and respondent no. 3. Any submissions/objections that may be raised by any of the parties including any documents that may be submitted by any of the parties, may be considered by the Revenue Authorities before embarking upon the exercise of demarcation.

11. It is clarified that the petitioners shall bear the cost of demarcation.

12. In view of the aforesaid, the present writ petition is disposed of.

MINI PUSHKARNA, J

MAY 25, 2023

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