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

% *Decided on: 2nd June, 2023*

+ W.P.(C) 8338/2023 & CM APPLs. 31904/2023 & 31905/2023
NEM SINGH AND ORS Petitioners

Through: Mr. Parvinder Chauhan, Mr.
Abhilash Vashisht, Advocates
(M:9873700067,email:advocate
abhilash91@gmail.com)

versus

GOVT OF NCT OF DELHI AND ORS Respondents

Through: Mr. Prashant Manchanda, ASC
with Ms. Nancy Shah, Ms.
Jasleen Virk, Ms. Khushboo
Tomar, Advocates
(M:9971879203,email:prashant
manchanda.asc@gmail.com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

CM APPL. 31905/2023 (under Section 151 CPC for exemption)

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

W.P.(C) 8338/2023 & CM APPL. 31904/2023 (under Order XXXIX Rules 1 and 2 read with Section 151 CPC)

3. The present writ petition has been filed on behalf of the petitioners on the ground that the petitioners apprehend that they may be dispossessed from their long and settled possession of land measuring 6 Bighas & 19 Biswas bearing Khasra No. 8/7 (4-16) & 9/2 (2-03) situated in Village Sannothe, District North Delhi.



4. It is submitted that the petitioners were declared as Bhoomidar of the aforesaid land in the year 2019, by way of the judgment dated 28.10.2019 passed by the Sub-Divisional Magistrate (SDM)/Revenue Assistant (RA)/(Narela). Against the aforesaid judgment and decree, an appeal being Appeal No. 751/AM/N/2021 has been filed by the Gaon Sabha, which is pending before the Deputy Commissioner.

5. During the pendency of the appeal before the Deputy Commissioner, the area in question, wherein the land is situated has been urbanised by way of notification dated 20.11.2019 passed under Section 507 of the Delhi Municipal Corporation Act, 1957.

6. It is submitted that from February 2023 onwards, the petitioners have been receiving demarcation notices. Thus, the petitioners received demarcation notice dated 08.02.2023 and thereafter notice dated 29.03.2023. It is submitted that subsequently demarcation was carried out by the respondent on 13.05.2023, in which the petitioners were not involved and no notice with respect thereto was received by the petitioners. Thus, it is submitted that the petitioners apprehend that they may be dispossessed from the land in question, qua which they have been in possession for long and qua which they have been declared as Bhoomidars.

7. It is further submitted that an application for stay has been filed on behalf of the petitioners herein before the Deputy Commissioner on 15.05.2023. It is submitted that the said application has not been taken up as yet and the next date listed before the District Magistrate (North) is 28.06.2023. Thus, apprehension is raised on behalf of the petitioners that some action for dispossession may be taken against the petitioners



in the meantime.

8. Issue notice. Notice is accepted by ld. counsel appearing for the respondents. She submits that demarcation is being carried out by the respondents pursuant to the directions passed by this Court in *W.P.(C) 9756/2022*. She further submits that restraintment order dated 25.05.2023 has been issued against the petitioners restraining them from raising any illegal construction.

9. I have heard ld. counsel for the parties and with the consent of the parties, I propose to dispose of the present writ petition.

10. At the outset, this Court notes that the area in question where the land is situated already stands urbanised vide notification dated 20.11.2019. Thus, the appeal which is pending before the District Magistrate (North) cannot continue after urbanisation of the area in question.

11. Ld. counsel appearing for petitioners submits that he shall be moving an appropriate petition in this regard before this Court for quashing the proceedings before the ld. District Magistrate (North). However, he submits that in the meanwhile the petitioners be protected.

12. He further submits that the application of the petitioners for stay is already pending before the District Magistrate (North), which is listed for hearing on 28.06.2023.

13. Considering the submissions made before this Court, the present writ petition is disposed of, with directions that status quo be maintained with respect to the possession and construction of the land of the petitioners, till the disposal of the application of the petitioners



filed before the District Magistrate (North).

14. The status quo order as passed by this Court, shall continue to operate in the favour of the petitioners till 10.07.2023, in view of the ensuing vacations of this Court.

15. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

JUNE 2, 2023

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