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

Judgment delivered on: 22.01.2024

+ **W.P.(C) 983/2024**

MIKADO PROPERTIES PVT. LTD.

..... Petitioner

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Vineet Jhanji and Mr. Imran Moulaey,
Advocates.

For the Respondents : None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

(The proceeding has been conducted through Hybrid Mode)

CM APPL. 4099/2024 (for exemption)

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 983/2024 & CM APPL. 4098/2024 (for interim stay)

3. This is a writ petition filed under Article 226 of the Constitution of India, 1950, seeking quashing and setting aside of the Notice dated 06.01.2024 bearing



F.No.52/DCF(S)/LAND/ASOLA/2022-23/12634-41 issued by the respondent No.3 and further seeking directions restraining the respondents from taking any coercive action including demolition of the property of the petitioner company falling under khasra Nos. 820, 828, 829, 830 & 831 of Village Asola, Tehsil Saket, Delhi.

4. Learned counsel appearing for the petitioner draws attention of this Court to the impugned notice dated 06.01.2024 served upon the petitioner to submit that the property mentioned in the notice is in respect of some property, which falls within the khasra Nos. 733, 750 & 752 of Village Asola, Tehsil Saket.

5. Learned counsel submits that the property of the petitioner falls within the khasra Nos. 820 min, 828 min, 829 min, 830 min, 831 min and 841 min at Village Asola, Tehsil Saket, Delhi, which is clear from the sanction letter issued by the Municipal Corporation of Delhi dated 12.08.1992, which is placed at page No. 64.

6. Learned counsel submits that it is apparent that the impugned notice does not pertain to the property of the petitioner since the notice only reflects khasra numbers and not the properties.

7. He relies upon the judgment passed by the Co-ordinate Bench of this Court in W.P.(C) 8052/2022 as also the order passed by this Court in W.P.(C) 741/2024.

8. The Co-ordinate Bench of this Court in W.P.(C) 8052/2022 captioned as “Asola Homes Welfare Association & Anr. vs. Government of NCT of Delhi & Ors.” has held as under :-

“6. The statutory provision enables the concerned parties to approach the Deputy Commissioner regarding any



dispute relating to boundaries. The parties, herein, are also before this Court today with a limited issue pertaining to the similar subject matter.

7. Keeping in view the statutory provisions as well as the facts in the petition, this Court is inclined to allow the limited prayer made by learned counsel for the petitioners to move a detailed application along with the writ petition before the Deputy Commissioner (South), Department of Revenue, Government of NCT of Delhi within two weeks.

8. It is directed that after receipt of the application, the Deputy Commissioner (South), Department of Revenue, Government of NCT of Delhi, shall decide the dispute related to the incidental and ancillary issue of demarcation of the land in accordance with law, keeping into consideration the facts and contentions made in the instant writ petition and pass a detailed/well-reasoned order expeditiously, preferably within a period of six weeks. The petitioners are also directed to cooperate in the proceedings.

9. No coercive steps shall be taken against the petitioners as per the list of names given on page 77, Annexure-P4 to the petition till the disposal of the application. It is also directed that status quo with respect to the boundaries of the respective petitioners shall be maintained by both the parties.

10. With the aforesaid directions, the petition along with the pending application stand disposed of.”

9. Learned counsel submits that the demarcation, if any, carried out, if at all, by the respondents is unilateral, since no such notice was ever issued nor received by the petitioner and in the absence thereof, the demolition cannot be carried out.



10. He submits that the respondents along with the demolition machine are standing at the site and requests that immediate injunction orders may be passed restraining any such coercive action, lest it cause irreparable damage and prejudice to the case of the petitioner.

11. In view of the aforesaid orders passed by this Court previously in similar matters, the petitioner may file a detailed representation within one week from today before the respondent No.3/ Deputy Conservator of Forest, South Forest Zone and all the relevant details along with the relevant records in its possession.

12. The Deputy Conservator of Forest is directed to dispose of the representation in view of the facts and contentions raised therein and pass a reasoned order expeditiously, preferably within four weeks from the date of receipt of the representation, as stipulated above.

13. In the meanwhile, no coercive steps shall be taken against the property of the petitioner bearing D-9, Asola Farm, Village Asola, Tehsil Saket Delhi, further, till the time orders are passed by the Deputy Conservator of Forest.

14. With the aforesaid, the petition is disposed of along with pending applications in above terms.

15. Order *Dasti* under the signatures of Court Master.

TUSHAR RAO GEDELA, J

JANUARY 22, 2024

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