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

+ **CONT.CAS(C) 135/2024**
MR ISHWAR SAHAI

.....Petitioner

versus

SHRI A K SINGH IAS & ORS.

.....Respondents

+ **W.P.(C) 741/2024 & CM APPL. 3259/2024**
ISHWAR SAHAI

.....Petitioner

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through:

Appearance:

Mr. Sandeep P. Agarwal, Sr. Advocate with Mr. Rajesh Pathak, Mr. Tarun Soni and Ms. Meenu Agarwal, Advocates for Petitioner.

Mr. Prashant Manchanda, ASC with Ms. Nancy Shah, Advocate for Respondents.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **13.01.2025**

CONT.CAS(C) 135/2024

Mr. Sandeep P. Agarwal, learned Senior Counsel for the contempt petitioner, does not press this petition. The contempt petition is therefore, dismissed as not pressed.

W.P.(C) 741/2024 & CM APPL. 3259/2024 (for direction)

1. The petitioner has filed this writ petition assailing a demarcation



dated 06.01.2024, undertaken by respondent No. 2-Deputy Conservator of Forests (South). According to the petitioner, his self-owned property, in Khasra Nos. 11507 (1-4), 1508 Min (5-5), 1509 (1-7), 1510 Min (2-10) 1518 Min (1-14), 1519 Min (1-10), has been included in forest land without any notice to him.

2. Mr. Sandeep P. Agarwal, learned Senior Counsel for the petitioner, relies upon various orders of this Court in which petitioner has been permitted to approach Government of National Capital Territory of Delhi [“GNCTD”] for demarcation, after hearing the petitioners therein. He submits that the petitioner would be satisfied with a similar order in the present case.

3. One such order [dated 23.05.2022 in W.P.(C) 8052/2022] which also concerns Asola Village, has been noted by this Court in the order dated 18.01.2024, by which notice was issued in the present petition. In support of his submission, Mr. Agarwal also draws my attention to order dated 07.11.2019 in W.P.(C) 2051/2019 in [*Pradeep Kanodia HUF v. Govt. Of NCT of Delhi and Ors.*] and order dated 26.09.2019 in W.P.(C) 6579/2018 in [*Radha Soami Satsang Beas & Anr. v. Govt. of NCT of Delhi & Ors.*].

4. In the order dated 23.05.2022 passed in W.P. (C) 8052/2022 [*Asola Homes Welfare Association & Anr. v. Government of NCT of Delhi & Ors.*,] this Court directed as follows:

“5. Section 28 of the Delhi Land Revenue Act, 1954 stipulates as under:

“28. (1) All disputes regarding boundaries shall be decided by the Deputy Commissioner, as far as possible, on the basis of existing survey maps, but if this is not possible, the boundaries shall be fixed on the basis of



actual possession.

(2) If in the course of an inquiry into a dispute under this section, the Deputy Commissioner is unable to satisfy himself as to which party is in possession, or if it is shown that possession has been obtained by wrongful dispossession of the occupants occupants of the property within a period of three months previous to the commencement d the inquiry the Deputy Commissioner-

(a) in the first case, shall ascertain by summary inquiry who is the person best entitled to the property, and shall put such person in possession; and

(b) in the second case, shall put the person so dispossessed in possession and shall then fix the boundary accordingly.”

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.”

5. Having regard to the aforesaid orders, in the present case also, the petitioners are permitted to move a detailed application before the Deputy Commissioner (South), GNCTD within a period of two weeks, who is



directed to decide the question of demarcation of the land in accordance with law, and pass a reasoned order after hearing the petitioner. The petitioner is also directed to cooperate in the proceedings.

6. Learned counsel for GNCTD submits that Asola Village has been urbanised under Section 507 of Delhi Municipal Corporation Act, 1957 in the year 2019, and is now under the jurisdiction of Delhi Development Authority [“DDA”]. In view of the above order having being passed in the year 2022, even after the said urbanisation, I am of the view that it is sufficient to clarify that GNCTD may coordinate with the DDA or any other agency for the purposes of this order.

7. By the interim order dated 18.01.2024 passed in this petition, the respondents were restrained from proceeding with coercive action in respect of petitioner’s property being Farm House No. 5, Asola Village. The said order will continue till a decision is taken by the respondents in terms of this order.

8. The writ petition, alongwith pending application, is disposed of in the above directions.

PRATEEK JALAN, J

JANUARY 13, 2025/MR/KB/