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

+ LPA 286/2024 & C.M.Nos.20899-20900/2024

SHRI HARI CHAND & ANR.

..... Appellants

Through: Mr.N.S.Dalal with Mr.Alok Kumar,
Ms.Rachana Dalal and Ms.Sweta
Kadyan, Advocates.

versus

GOVT. OF N.C.T. OF DELHI THROUGH DIVISIONAL
COMMISSIONER & ORS.

..... Respondents

Through: Mr.Mohit Bhardwaj, Advocate for R-
1 to 3.
Mr.Sandeep Kumar Mahapatra,
CGSC with Mr.Tribhuvan,
Mr.Kalyan Babu Singh, Advocates
for R-6.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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08.04.2024

1. Present appeal has been filed challenging the order dated 21st March, 2024 passed by the learned Single Judge in W.P.(C) 4363/2024, whereby the learned Single Judge issued a notice in the petition returnable on 08th August, 2024. The appellants seek issuance of directions to the respondents to get a joint demarcation of the land of Village Kulakpua, Delhi and the land of village Sakrod, Tehsil Khekra, District Baghpat, U.P., done in the presence of Revenue and Government Officials of both the States and representatives of Central government, within a time bound period i.e. within a week or ten days or alternatively direct the learned Single Judge to dispose of the writ petition within one month.



2. Learned counsel for the appellant states that some persons living in Baghpat, U.P. have started lifting sand from the land of the appellants situated in various Khasra numbers of Village Sungerpur, Delhi and also from the land of the *Gaon Sabha* situated in Village Sungerpur, Delhi, which is impermissible and without the authority of law. He states that the appellants approached the Government Authorities thereby seeking their intervention but nothing concrete has been done.

3. He states that the permit which has been granted by the U.P. Government to the Contractor for lifting of the sand from the land belonging to U.P. Government is for a period of six months.

4. This Court is of the view that the relief of demarcation is not to be granted for the asking in a writ proceeding. A Division Bench of this Court in ***Dargha Najeebuddin Firdousi vs. Delhi Development Authority & Anr., W.P.(C) No.840/2023, 2023: DHC: 8121-DB*** has held as under:-

“...13. In our view, the ambit of a writ court does not extend to resolving such intricate disputes over boundary delineations, which necessitate a thorough examination of a plethora of documents, surveys, maps, an assessment of their validity and accuracy, resolution of disputed facts, and an on-the-ground study of the areas implicated. These tasks squarely fall within the expertise and jurisdiction of the statutory authorities, as constituted under the relevant land statutes enacted by the State legislature. These specialized bodies are better equipped with the necessary technical expertise to navigate the complexities of land demarcation and are statutorily authorized to resolve such disputes, including considering the objections submitted by any aggrieved parties. Therefore, this Court finds itself constrained by its constitutional limits and the nature of jurisdiction invoked from delving into such technical assessments.....”

5. Moreover, the order of demarcation would have the effect of demarcating the boundaries of two States, namely, GNCTD and U.P. Article 131 of the Constitution specifically states that the disputes between two States can only be adjudicated by the Supreme Court.



6. At this stage, learned counsel for the appellants states that the appellants would like to not only withdraw the present appeal but also the underlying writ petition being W.P.(C) No.4363/2024 with liberty to file appropriate proceedings in accordance with law.

7. With the aforesaid liberty, both the present appeal as well as underlying writ petition being W.P.(C) No.4363/2024 are dismissed as withdrawn. The rights and contentions of all the parties are left open. The next date of hearing i.e. 08th August, 2024 before the learned Single Judge is cancelled.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 8, 2024

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