



\$~12

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

+ **W.P.(C) 11154/2023, CM APPL. 43351/2023**

BRIJ BIHARI GIRI

.....Petitioner

Through: Mr Raj Mani Mishra, Adv.

versus

DDA AND ORS

.....Respondent

Through: Ms. Monika Tripathi, SC for DDA.
Mr. Umesh K. Beniwal, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

11.09.2024

1. In pursuance to the directions passed by this Court, status report dated 02.04.2024 has been filed by the respondent-MCD. Paragraph no.2 to 4 of the status report reads as under:-

"2. That present affidavit is being filed in compliance of order dated 15.01.2024 of this Hon'ble Court.

3. This it is most respectfully that subject property got identified by the petitioner was also subject property of W.P.(C) 7106/2023 titled "Khalid V MCD & Ors". In the said matter, the Hon'ble Court had directed answering respondent to clarify whether property falls in Delhi or the State or Haryana. Since answering respondent was not custodian of land record and land of khasra was not earmarked at site. answering respondent took up the matter with SDM (Sarita Vihar), GNCTD for verification as to whether subject property falls in Delhi or State of Haryana. As per report of Patwari, GNCTD, subject property falls in East of Khasra No.690 and the said area falls under the jurisdiction of Haryana. In the said report, it was also stated that to draw precise conclusion there is requirement of measurement of land of alleged khasra through TSM. Copy of report of said report of Patwari is annexed herewith as Annexure-A.



4. That it is respectfully submitted that petitioner has pointed out two structures, One structure consists of basement and ground floor whereas other structure consists of ground and first floor. Both the structures are lying unoccupied. Photograph showing the current status of these structures is annexed herewith as Annexure-B.”

2. The paragraph no.3 of the status report would clearly indicate on the respondent-Cooperation taking necessary steps and inspecting the said property, it has been found that the subject property is located in East of Khasra No.690 and the said area falls under the jurisdiction of Haryana.
3. The petitioner, however, while filing objections to the status report pointed out various anomalies and submits that the status report *de hors* the ground realities. He disputes the stand taken by the respondent-Corporation and avers that as per a Patwari report of GNCTD, the said khasra no. 690 falls in Jaitapur extension under the jurisdiction of Delhi.
4. Having perused through the objections raised against the status report, the Court is of the considered opinion that in writ jurisdiction, the Court cannot adjudicate on disputes pertaining to veracity of contentions in which extensive examination of documents and evidence is required to be led.
5. The Court, however, takes note of the mechanism which has been evolved by the Special Task Force [STF], which has been constituted in terms of the notification dated 25.04.2018 by the DDA.
6. The petitioner, at this stage, is granted liberty to approach the STF for ventilation of his grievance. In event the grievance of the petitioner persists even upon approaching the STF, the petitioner is granted liberty to take further recourse under civil law.
7. With the aforesaid liberty reserved in favour of the petitioner, the instant writ petition stands disposed of.



6. All rights and contentions are left open.

PURUSHAINdra KUMAR KAURAV, J
SEPTEMBER 11, 2024/KG