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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12114/2024 (*disposed of case*)

VIJAY PAL

.....Petitioner

Through: Mr. D. Hasija and Ms. Prachi
Hasija, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondent

Through: Ms. Arti Bansal and Mr. Kawal
Digpaul, Advocates for DDA.
Mr. Rishikesh Kr., ASC with Mr.
Atik Gill, Advocates for GNCTD.
Mr. Sanjay Kumar Pathak, SC with
Mr. Sunil Kumar Jha, Mr. M.S.
Akhtar, Mr. Mayank Madhu and
Mr. Sami Sameer Siddiqui,
Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.12.2024

CM APPL. 76418/2024 (*for restoration of application*)

1. The petitioner has filed this application for revival of an earlier application bearing CM APPL. No. 50381/2024, filed by the petitioner in W.P.(C) 12114/2024. The application sought appointment of a Court Commissioner to physically visit and survey the community land (Johar) of Khasra No. 155 (28-05), Village Palam, New Delhi, and to prepare a detailed list of properties wherein illegal and unauthorised construction has been carried out and to seal the same, if any.

2. The writ petition concerned allegations of illegal construction in the said area and sought a direction for the identification of illegally constructed properties and demolition thereof.



3. The writ petition and the aforesaid application were disposed of by an order dated 11.09.2024, with a direction upon the concerned Sub-Divisional Magistrate to ensure that the demarcation of the property is carried out within a period of three months, and with liberty to the petitioner to approach the Special Task Force if he has any grievance regarding encroachment on government land after the demarcation exercise.

4. The petitioner's contention in this application is that the demarcation exercise has not been carried out. Learned counsel for the Government of National Capital Territory of Delhi submits that the process of demarcation has already commenced and the demarcation exercise is likely to be concluded within a period of one month.

5. Although learned counsel for the petitioner disputes this submission, I am of the view that the present application is, in any event, misconceived. If the order of the Court is not being complied with, the remedy of the petitioner lies elsewhere. An application in a disposed of writ petition cannot be revived, once the writ petition itself stands disposed of.

6. The present application stands disposed of with these observations, and with liberty to the petitioner to invoke such alternative remedies as may be available to him in law.

PRATEEK JALAN, J

DECEMBER 24, 2024/MR/JM/