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

+ **W.P.(C) 14977/2024**

IRFAN BAIG

.....Petitioner

Through: Ms. Pooja Singh and Mr. Vivek
Bhadauria, Advocates.

versus

THE GOVT OF NCT OF DELHI AND OTHERSRespondents

Through: Mr. Mohd. Irsad, ASC with Ms.
Nasreen and Mr. Kunal Raj, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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24.10.2024

CM APPL. 62801/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 14977/2024 and CM APPL. 62802/2024

3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking a direction to Respondents No.1 and 2 to carry out demarcation in respect of land ad measuring 1150 square yards, part of Khasra No. 731, situated in the area of Village Madanpur Khadar Abadi, (known as Madanpur Khadar Extn. Part-II Kanchan-Kunj), Tehsil-Kalkaji, Sarita Vihar, Delhi ('subject land').

4. Facts to the extent necessary are that subject land was purchased by the Petitioner on 09.07.2014 from one Sh. Manoj Kumar, who was the General Power of Attorney holder of (1) Sh. Karan Singh (2) Sh. Rajpal (3) Sh. Rajender and (4) Sh. Rajkumar all sons of Sh. Khajan Singh, vide Agreement to Sell, GPA etc. dated 09.07.2014. These four persons are claimed to be registered owners/*Bhoomidars* of the subject land as per the



Khatoni maintained with the Revenue Department. It is averred that after purchase of the subject land, Petitioner became the absolute and lawful owner of the same and the subject land is bounded on all four sides, details of which are furnished in the writ petition.

5. Learned counsel for the Petitioner submits that Respondent No. 3 herein came to the subject land in October, 2017 and forcibly prevented the labour working therein from carrying out the assigned work. On questioning, he claimed to be a co-owner of the subject land but the matter was resolved temporarily. Once again Respondent No. 3 and certain unknown persons attempted to grab the subject land and a police complaint was lodged by the Petitioner on 16.10.2017. Petitioner also filed a civil suit being CS-SCJ/1294/2017 for permanent injunction wherein Respondent No. 3 appeared and gave a statement that he has no concern with the subject land and the suit was accordingly disposed of on 06.01.2018, however, subsequent thereto on 07.03.2018, Respondents No. 3 and 5 filed a suit for permanent injunction against the Petitioner claiming right in the property and the suit is pending consideration. Petitioner is constrained to approach this Court as Respondents No. 3 to 5 are now attempting to carry out construction in the subject land and have also put construction material therein. Therefore, according to learned counsel, this dispute can only be resolved once the demarcation is carried out by the Revenue Officials based on the revenue record and therefore seeks a direction that Respondents No. 1 and 2 be directed to carry out the demarcation.

6. Issue notice.

7. Counsel, as above, accepts notice on behalf of Respondents No. 1 and 2.



8. By this writ petition, a direction is sought to Respondents No. 1 and 2 to carry out demarcation of the subject land. From a reading of the writ petition, it is evident that there is some dispute *inter se* the Petitioner and Respondents No. 3 to 5. Petitioner asserts his right on the subject land basis the *Khatoni* and other revenue records as well as documents relating to purchase such as Agreement to Sell etc. executed by alleged owners/*Bhoomidars* of the land. In my view, at this stage, it would be appropriate if Respondents No. 1 and 2 take a decision on the request of the Petitioner for demarcation of the subject land, after examining the revenue records and other documents by which Petitioner claims to have purchased the subject land.

9. Accordingly, without entering into the merits of the case as also the alleged ownership of the subject land, this writ petition is disposed of with a direction to Respondents No.1 and 2 to treat this writ petition as a representation and examine the case of the Petitioner for demarcation of the subject land. The decision shall be taken within two months from today after giving personal hearing to the Petitioner and also examining the documents that he may wish to produce, for which time, date and venue shall be intimated to the Petitioner in writing well in advance. Needless to state that if the Petitioner is aggrieved by the decision, he may take recourse to legal remedies available to him, if so advised.

10. Pending application also stands disposed of.

JYOTI SINGH, J

OCTOBER 24, 2024

B.S. Rohella