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

+ **W.P.(C) 15026/2024**

JAGAT

.....Petitioner

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

versus

THE GOVT OF NCT OF DELHI AND OTHERSRespondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.10.2024

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CM APPL. 63050/2024

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

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3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“(a) Issue any appropriate Writ(s), Order, Direction to the respondents to complete the Demarcation proceeding which they have started in the year 2018, in respect of property in question i.e land measuring 2.04 Bigha, khasara no-565/2 situated in the area of village Madanpur Khadar, P.O.- Sarita Vihar Delhi, as soon as possible and file the Demarcation report.

(b) Direct the respondents to pay the compensation to the petitioner, on account of not completed or causing delay of 7 years, in the Demarcation proceeding in respect of property in



question.”

4. Petitioner is stated to be the owner and Bhumidar of half share of agricultural land ad-measuring 2.04 Bigha, part of Khasara No. 565/2 situated in area of village Madanpur Khadar, Tehsil- Kalkaji, P.O.- Sarita Vihar Delhi, along with his brother namely Shri. Jaichand and the property is stated to have been mutated in his name on 19.09.2009. It is averred in the writ petition that out of 2.10 Bigha, 06 Biswa was acquired by the Government, but the remaining part of the said land measuring 2.04 Bigha remained in possession of the Petitioner and the co-sharer in equal shares. Petitioner has placed on record *Khatoni* of the land in question and also avers that he is in continuous possession of his share.

5. On 30.10.2018, Petitioner filed an application with the Tehsildar, Sarita Vihar, South-East Delhi, for demarcation of the property and vide letter dated 23.01.2019, Respondent No.2/SDM awarded the work of carrying out TCM Survey to M/s Dhyani Consultant Inc. Engineer and Design Consultants. According to the Petitioner, the Consultant sent an invoice for Rs.1,00,300/- towards demarcation fee and the amount was duly deposited by the Petitioner against receipt dated 29.03.2019. A general notice was issued by Respondent No.2 on 21.02.2020 to the Petitioner and others concerned to remain present at the site in question for demarcation and fixing of points at 11:30 A.M. on 06.03.2020, however, no steps were taken to initiate the process and having no other remedy, Petitioner has approached this Court seeking a direction for demarcation.

6. Learned counsel for the Petitioner submits that advance copy of the writ petition has been served on the Respondents. Matter has been called out two times, but there is no appearance on behalf of said Respondents.



7. Accordingly, this writ petition is disposed of at this stage with a limited direction to the Respondents to treat this writ petition as a representation and examine the request of the Petitioner for demarcation *qua* his land, details of which have been furnished in the writ petition. Decision shall be taken by the Respondents within 8 weeks from the date of receipt of this order and needless to state, if the demarcation process is required to be initiated, steps shall be taken to do the needful and the process will be completed within three months from the date of the decision. If the decision is otherwise, a reasoned and speaking order shall be passed, which shall be communicated to the Petitioner, who will be at liberty to take recourse to appropriate legal remedies, if so advised.

JYOTI SINGH, J

OCTOBER 24, 2024

B.S. Rohella/jg