



\$~27

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

+ **W.P.(C) 11330/2015**

MANOHAR SINGH & ANR

.....Petitioners

Through: Mr. S.S. Tripathy & Mr. Jasjeet
Singh, Advs.

versus

STATE, GOVT. OF NCT & ORS

.....Respondents

Through: Ms. Vaishali Gupta, Adv. for R1 to 3.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

17.11.2025

%

1. This petition is filed with the following prayer:-

- “a) a writ/direction to respondent no.4 to 6 not to carry out demarcation for third time in FIR no.542/12 or prepare report thereof in terms of notice dated 23.06.15 at the request of respondent no.5 as demarcation reports dated 05.08.14 & 14.05.15 have attained finality and further to act upon the said demarcation reports dated 05.08.14 & 14.05.15;
- b) issue a direction to respondent no.4 to 6 to immediately stop the demarcation proceeding as proposed in notice dated 23.06.15 and not to submit any demarcation report as it falls in the jurisdiction and domain of the Civil court established by law and mandated under DLR Act 1954 and DLR Rules 1962; as respondent no.5 is acting at the behest of the accused named in FIR no.542/12;
- c) direct the resp.no.4 not to accede to the illegal demand of fresh demarcation for third time by resp.no.5 to be conducted by resp.no.6 who is a private party on behalf of accused named in FIR No.



542/12, as accused have no locus and right of hearing before and during investigation of the matter,”

2. The brief facts as pleaded are that the petitioner was bhumidar of land measuring 4 bigha 16 biswa situated in the Khasra no.38 of Village Neb Sarai, revenue district Mehrauli, Hauz Khas, now falls under SDM, Saket. The land was developed as a residential plot.

3. At the instance of the petitioner, FIR No.542/12 under Section 420/467/468/471/120-B of the IPC read with Section 3 of the SC & ST Act was registered at P.S. Mehrauli against the person claiming ownership of the land in question. On 10.09.2013, another FIR No.359/13 was registered and in that FIR notice under Section 91 Cr.P.C. for demarcation of the land situated in Khasra no.38 (prescribed above) was issued. On the basis of demarcation, a report dated 05.08.2014 was prepared by respondent no.5. On 06.04.2015, the new Investigating Officer (for short ‘IO’) in FIR No.542/12 filed an application for carrying out the fresh demarcation of Khasra no.37 and 38 of Village Neb Sarai. On 28.04.2015, notice was issued for carrying out demarcation at khasra no.37 and 38 on 14.05.2015 at 11:30 a.m. The demarcation was carried out. The affected parties demanded fresh demarcation. On 23.06.2015, a fresh notice was issued. The notice was challenged by filing a criminal writ petition bearing no.1260/2015. On 30.09.2015, the petition was withdrawn with liberty to initiate appropriate proceedings and thereafter this petition was filed.

4. It is an admitted fact that during the pendency of this petition, the land in question has been urbanized vide notification dated 17.05.2017. The issue as to the power of demarcation shall vest with which authority after



urbanization of the land is sub-judice before the Larger Bench of this court and as such as on date the position is not clear as to which department has to proceed further.

5. In view of the subsequent development, this petition is disposed of as the impugned notice cannot be implemented till the decision of the Larger Bench. The respondent, if need so arises, shall be at liberty to proceed in accordance with law after the decision of the Larger Bench.

6. In the eventuality of the respondents initiating proceedings, the petitioner shall be put to notice.

7. Needless to say that the petitioner would be at liberty at that stage to avail remedies in accordance with law for redressal of the grievance, if any.

AVNEESH JHINGAN, J

NOVEMBER 17, 2025
Ch