
(2010) 03 DEL CK 0244

In the Delhi High Court

Case No : Writ Petition (C) 14360 of 2004

Sanjeev Malhotra

APPELLANT

Vs

L.G. of Delhi and Others

RESPONDENT

Date of Decision : 18-03-2010

Acts Referred:

Citation : (2010) 03 DEL CK 0244

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : Ravinder Sethi and A.K. Sen, for the Appellant; Zubeda Begum and Sana Ansari, for the Respondent

Judgement

Sanjiv Khanna, J.—The petitioner admittedly has right on 1 bigha of land in Khasra No. 1521 and on 10 bighas and 3 biswa of land in other Khasra numbers as mentioned in the prayer clause, in the revenue estate of village Asola. The allegation of the respondent is that the petitioner is in occupation of the excess land in Khasra No. 1521 and is occupying forest land.

2. Pursuant to the directions given by this Court, demarcation of Khasra No. 1521 was carried out and the demarcation report dated 4th June, 2007 has been filed. As per the said demarcation report, Khasra No. 1521 consists of 19 bighas and 9 biswa of land and is under possession of the following persons:

Area Name of the owner 3 bigha Ramesh Bajaj 1 bigha M/s R.R.B. Consultants & Engineers Pvt. Ltd. 1 bigha Sh. Sanjeev Malhotra (petitioner herein) 14 bigha 9 biswa Forest Department, GNCT (Ridge Land).

3. As per the demarcation report, the petitioner has constructed a house on 1 bigha of land in khasra No. 1521 but the swimming pool, temple and servant quarters have been constructed on the land belonging to the Government of NCT of Delhi.

4. It is also the contention of the respondent that other land belonging to the

petitioner is not adjoining or contiguous to Khasra No. 1521 and is located in other Khasras and is encroached upon by third parties.

5. Counsel for the petitioner on instructions disputes the said allegation and states that the entire land belonging to the petitioner is in one block and the Khasra No. 1521 and other Khasra numbers in which the petitioner owns land, are contiguous and adjoining. Counsel for the petitioner disputes the demarcation report dated 4th June, 2007 and states that no fixed points were located before carrying out the demarcation. In fact, the requirement of law is that three fixed points have to be located.

6. The respondent will produce before this Court site plan of the land with relevant Khasra numbers, so that it can be established whether the land of the petitioner is located in one block and in Khasra numbers which are contiguous and adjoining to each other. Counsel for the respondent will also examine whether satellite map and digital maps of the village are available.

Relist on 21st April, 2010.

Dasti to the counsel for the parties under signature of the Court Master.