

Jai Prakash Tyagi Vs SDM

CS No 407/21

08.06.2021

Case received by way of transfer. It be checked and registered.

Present: Sh. Rambir Chauhan Ld counsel for the plaintiff.
Sh. Jagbir Singh, Panchayat Secretary on behalf of SDM, Civil
Line.

Panchayat Secretary on behalf of defendant nos 1 & 2 has appeared. It is stated by him that copy of plaint and documents have been supplied today itself. He needs some time to file detailed reply.

Perusal of the record reflects that hard copy of the plaint and document as well as court fees is yet to be filed. Ld counsel for plaintiff undertakes to file the same within a day.

As per his submissions, one day time is granted to the plaintiff to file hard copy of the plaint and document as well as requisite court fees.

It is stated on behalf of plaintiff that defendant has given a notice of demolition of premises which is ad-measuring about 6 acres situated in the revenue estate of village Salempur Majra Burari & village Burari. It is further stated that the land in question belongs to the plaintiff and owned by him through inheritance. Plaintiff is also having *khasra khatoni* in his name which is filed alongwith the plaint. Relevant document i.e. *Khasra Khatoni* is perused in which plaintiff and his other family members are shown as *Bhumidhar* .

It is also reflected from the record and the relevant documents that the land in question is stated to have been declared as Urban Land, as per the Gazette Notification dated 28.01.2019.

All these facts stated by plaintiff are neither admitted nor disputed on behalf of defendants.

It is stated on behalf of defendant that they need some time to file the reply.

Considering the circumstances, therefore, one opportunity is granted to the defendant to file the detailed reply and in the meantime, in the interest of justice, **defendants are restrained from carrying out any demolition at the suit premises in question bearing Khasra no. 22/10/1 (10-06), 22/11/1 (3-0), 22/11/2 (2-18), 2/19 (1-05) of Village Salempur Majra Burari & Khasra no. 50/1/1 (3-03), 50/12 (4-2), 50/13 (4), 50/9/1 (4-4), 50/2 (4-8) of village Burari till NDOH.**

Copy of this order be given *dasti* to the parties as prayed for, as per rules.

Put up for filing of WS/reply on **09.09.2021**.

(Prashant Kumar)
ADJ-01 (Central)
THC, Delhi/08.06.2021