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

+ **W.P.(C) 1719/2023 & CM APPL. 6533/2023**

SH.BHARAT SINGH

..... Petitioner

Through: Mr. Faisal Naseem with

Mr. Asrar, Advocates.

(M): 9971936265

Email: faizalnaseem@gmail.com

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Rishikesh Kumar, ASC,

GNCTD with Mr. Sumit

Chaudhary and Mr. Sheenu

Priya, Advocates.

(M): 9911483629

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.02.2023

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[Physical Hearing/ Hybrid Hearing]

CM APPL. 6533/2023 (Application on behalf of petitioner under Section 151 CPC for exemption from filing the originals/certified copies of the annexures)

1. This is an application on behalf of petitioner under Section 151 CPC for exemption from filing the originals/certified copies of the annexures.

2. Recording the undertaking on behalf of the petitioner, that the defects shall be cured within four weeks, exemption is allowed.

3. Application is disposed of.

W.P.(C) 1719/2023

4. The present writ petition has been filed by the petitioner challenging the notice dated 01.07.2022 bearing no. 464 issued by the



respondent.

5. By way of said notice, an order has been passed with respect to several parcels of land including the land in possession of the petitioner. Directions have been issued by the Office of the Block Development Officer (South), Government of NCT of Delhi to all encroachers/unauthorised occupants of various khasras of Village Jonapur, New Delhi to remove the encroachments from the land within 3 days of the issuance of the said notice. It is further directed by way of the notice dated 01.07.2022 that in case the encroachment is not removed pursuant to the said notice, action shall be taken for removal of the encroachments from the above land by the government.

6. It is submitted that an application under Section 74 (4) of the Delhi Land Reforms Act seeking declaration of his bhumidari rights is pending with the SDM/Revenue Assistant. Attention of this Court has been drawn to Annexure-A-4, which is an application filed on behalf of the petitioner in the year 2003. It is submitted that despite lapse of considerable period of time of 19 years, the said application has not been decided by SDM/Revenue Assistant.

7. Attention of this Court has also been drawn to Annexure-A-5 which is report of the Revenue Officials, wherein it is shown that Nathiram, grandfather of the petitioner and Ram Chander, father of the petitioner have been ploughing and cultivating the land for a long time.

8. It is submitted that all of sudden without any directions and without deciding the representation of the petitioner for declaration as



bhumidar of the land in question, the respondent in its meeting of Special Task Force on 23.06.2022 took a decision for removal of the unauthorised construction.

9. It is submitted that impugned notice dated 01.07.2022 was not served upon the petitioner and the said notice has been passed as a blanket order for all purposes with respect to separate parcels of land, which also includes the land in possession of the petitioner. Thus, it is contended that the said notice is illegal and arbitrary.

10. Issue notice.

11. Notice is accepted by learned Additional Standing counsel for respondent. He submits that the land in question is Gram Sabha land and that there have been encroachments by various persons.

12. However, the aforesaid contention is denied by learned counsel for the petitioner. He relies upon Annexure A-2 which is receipt of lease by Gram Sabha in favour of father of the petitioner.

13. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

14. List for consideration on 15.05.2023.

MINI PUSHKARNA, J

FEBRUARY 10, 2023

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