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

CNR No. DLHC010253622024

+ **CONT.CAS(C) 744/2024 & CM APPLs. 72690/2024 & 18935/2026**

AMRIT BOLARIA AND ANR.Petitioners

Through: Advocate appearance not given.

versus

RADHEY SHYAM MEENA AND ANR.Respondents

Through: Mr. Akshit Mago, Adv. for R-2

Mob: 9899168987

Email: mago.akshit@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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04.08.2026

1. None appears for respondent no. 1 when the matter is called out.
2. It is to be noted that the present petition has been filed alleging wilful disobedience of the order dated 10th July, 2023, passed in CS(OS) 370/2019 and CS(OS) 501/2021, wherein as per the Settlement Agreement dated 15th May, 2023, executed between the petitioners and respondent no. 2, it was agreed that the parties shall jointly get the land in question, i.e., *Rose Garden/Rose Land, Chattarpur*, situated at *Dera Mor, Village Bhatti, Chhatarpur, Bhatti, Mines Road, New Delhi-110074*, admeasuring 11 acres.
3. There was further direction to demarcate the said land. The direction in that regard as contained in the order dated 10th July, 2023, reads as under:

“xxx xxx xxx

6. Respective counsel also draw attention to the following stipulation in the settlement agreement dated 15.05.2023 :

"The parties shall jointly get the land demarcated, preferably within a period of 2 months from the date of signing of the present Settlement



Agreement. It is further agreed and understood between the Parties that apart from the land admeasuring 4 acres, as detailed hereinabove, the entire remaining land comprised in Rose Garden/ Rose Land situated at Dera Mor, Village Bhatti shall be owned and possessed by Mr. Adarsh Pal Singh Randhawa."

7. Let the aforesaid exercise be carried out by the revenue / local authorities in terms of the settlement agreement between the parties. The parties are at liberty to approach the said authorities; it is directed that any such request by any of the parties shall be acted upon expeditiously.

xxx xxx xxx"

4. Learned counsel appearing for the petitioners submits that despite directions in various orders, the process of demarcation on the land in question, has not been carried out till date.

5. Learned counsel appearing for respondent no. 2 submits that respondent no. 2 is the brother of the petitioners, and that he supports the case of the petitioners.

6. Attention of this Court is also drawn to application being *CM APPL. 18935/2026*, filed on behalf of respondent no. 2, seeking directions to respondent no. 1 for carrying out survey/demarcation of the said land.

7. This Court notes that *vide* the said application, it has been contended as follows:

"xxx xxx xxx

4. Notably, during the pendency of this Petition, due to several other disputes between Respondent No. 2, Petitioners and several other individuals and authorities, Respondent No. 2 was constrained to file C.S. (OS) No. 123 of 2025 ("**Suit**"). The Suit has been filed by Respondent No. 2 for partition, permanent and mandatory injunction, and possession concerning Khasra No. 328 admeasuring 21 *bighas* and 9 *biswas* ("**Khasra No. 328**") forming part of the Subject Land forming subject matter of the Settlement Agreement. True copy of the Plaint filed in C.S. (OS) No. 123 of 2025 is annexed herewith and marked as **Annexure A-1**.



5. When the Suit came up for hearing on 03 April 2025, the Ld. Single Judge was pleased to direct (i) Respondent No. 1 to communicate the estimated cost for conducting the survey through the TSM Surveyor within three (3) days to Respondent No. 2, (ii) Respondent No. 2 to deposit the amount communicated within three (3) days of being communicated the estimate by Respondent No. 1, and (iii) Respondent No. 2 to complete the entire process of survey within eight (8) weeks ("Directions"). The order dated 03 April 2025 passed by the Ld. Single Judge in C.S. (OS) No. 123 of 2025 is annexed herewith and marked as Annexure A-2.
6. However, despite passage of substantial time and Respondent No. 2 writing to Respondent No. 1 and also thereafter filing an application before the Ld. Single Judge in the Suit, Respondent No. 1 failed to carry out demarcation of Khasra No. 328.
7. It was only pursuant to a contempt filed by Respondent No. 2 bearing C.C.P. (O) No. 103 of 2025 in the Suit, that vide order dated 14 November 2025, the undertaking of Respondent No. 1 to communicate the costs to Respondent No. 2 to enable demarcation of Khasra No. 328 was recorded. The order dated 14 November 2025 passed by the Ld. Single Judge in C.S. (OS) No. 123 of 2025 is annexed herewith and marked as Annexure A-3.
8. Consequently, on 20 January 2026, Respondent No. 2 deposited an amount of INR 1,65,200/- into the account of Unique Measurements for conducting demarcation. This was duly informed to Respondent No. 1 vide letter dated 21 January 2026. The copy of the communication dated 21 January 2026 issued by the Respondent No. 2 to Respondent No. 1 is annexed herewith and marked as Annexure A-4.
9. Notably, Unique Measurements one of the three entities whose quotation to carry out demarcation was shared by Respondent No. 1 with Respondent No. 2 vide letter dated 27 November 2025. The copy of the communication dated 27 November 2025 issued by Respondent No. 1 is annexed herewith and marked as Annexure A-5.
10. In fact, accepting the steps taken by Respondent No. 2, Respondent No. 1 commenced the process of carrying demarcation with the assistance of Unique Measurements. This is evident from the fact that Respondent No. 1 even directed Respondent No. 2 to appear in person before it vide notice dated 02 February 2026. The copy of the notice dated 02 February 2026 issued by Respondent No. 1 to Respondent No. 2 is annexed herewith and marked as Annexure A-6.
11. In view of the aforementioned facts and circumstances, Respondent No. 2 is filing this application seeking necessary directions to Respondent No. 1 to carry out survey/demarcation of the Subject Land, including Khasra No. 328 forming part thereof with the assistance of Unique Measurements. Subject to the orders



of this Hon'ble Court, the costs towards carrying out such demarcation can be together borne by the Petitioners and Respondent No. 2.

12. The undertaking given by Respondent No. 1 before the Ld. Single Judge in the Suit clearly demonstrates that Respondent No. 1 has accepted its obligation to conduct the demarcation. The said undertaking equally applies to the Subject Land forming the subject matter of this Petition.

xxx xxx xxx”

8. By referring to the aforesaid application, learned counsel appearing for respondent no. 2 submits that a surveyor, i.e., M/s Unique Measurements, is already carrying out survey/demarcation in the area in question, and on the part of the land, which is subject matter of the present petition.

9. This Court is informed that despite various directions by this Court, the demarcation of the land in question, is yet to be done by respondent no. 1.

10. This Court is informed that the concerned authority in regard thereto would be Sub-Divisional Magistrate (“SDM”), Saket, Delhi.

11. Accordingly, issue Court Notice to the Standing Counsel (Civil), Government of NCT of Delhi (“GNCTD”). Let counsel appear before this Court with requisite instructions.

12. List in the Top Ten Matters in the *Advance List* on 03rd September, 2026.

MINI PUSHKARNA, J

AUGUST 4, 2026/SK