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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 151/2016**
CORRUPTION REMOVAL SOCIETY (REGD) Petitioner
Through Mr. Abhas Kumar, Adv.

versus

KEWAL KISHORE SHARMA Respondent
Through Mr. Anuj Aggarwal, ASC.

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% 08.08.2017

CM APPL. 28319/2017 (stay)

In pursuance of the directions of the Hon'ble Supreme Court in **Jagpal Singh vs. State of Punjab** JT 2011 (1) SC 617, wherein, all the State Governments in the country were directed to prepare schemes for eviction of illegal/unauthorised occupants of the Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and for restoration to the Gram Sabha/Gram Panchayat for the common use of the villagers of the village, the Division Bench of this Court had directed, as follows :

“8. We accordingly dispose of this appeal by directing the Chief Secretary, GNCTD to treat the writ petition from which this appeal arises as a complaint of encroachment and to deal with the same in accordance with the directions aforesaid of the Supreme Court and to clear the encroachment if found, within six months of today and if need be after giving the

appellant also a hearing at the time of hearing given to the persons in occupation over the land. If it is found that there is no encroachment, then also a speaking order be passed on the said complaint.”

Instant petition has come to be filed alleging illegal encroachment of Gram Sabha land and unauthorised construction in land bearing Khasra no. 325/1, Village Lado Sarai, New Delhi by respondent no.4. Entertaining the instant petition, this Court on 2.12.2016 observed, as follows:

“The Tehsildar, who is personally present in Court, assures and undertakes to this Court that the demarcation proceeding with regard to Khasra No. 325/1, Village Lado Sarai, shall be completed within a period of three months.

Since a public road is stated to have been encroached upon, the SDM (Saket), Revenue Department, GNCTD is directed to be personally present in Court on the next date of hearing..”

On the adjourned date i.e. 10.4.2017, it came to be observed, as follows :

“Mr.Anuj Aggarwal, learned ASC for GNCTD states that the SDM, Saket is not personally present as she has been appointed as a Returning Officer for Malviya Nagar constituency. Consequently, her presence is dispensed with.

Today the Tehsildar who is personally present in Court states that 80% of the demarcation of village Lado Saria has been completed. He states that the balance demarcation shall be completed within a period of eight weeks.

Let a status report be filed before the next date of hearing.”

Even, as of today, Mr. Aggarwal, ld. ASC submits that demarcation is not yet complete. In the application however, there are allegations that while the dictum of the Hon’ble Supreme Court in

Jagpal Singh's case (supra) is not being followed in its letter and spirit, even, the directions of this Court given on 24.2.2015 to clear the encroachment, are being violated. It goes without saying that till the time the actual demarcation takes place, it would be difficult to say, if, any encroachment is actually taking place. There appears to be apathy on the part of the concerned authorities not only in complying with the directions of the Hon'ble Supreme Court of the year 2011, but, the specific directions of this Court also. This Court in the first instance therefore, deems it appropriate to get a status report from the concerned ADM within two weeks, and, it is expected of the Principal Secretary (Revenue) to ensure compliance(s).

List on the date fixed i.e. 22nd August, 2017, when the SDM (Saket) shall also remain present before the Court.

Dasti to the parties.

CM APPL. 28320/2017 (early hearing)

Put up on the date fixed.

A. K. CHAWLA, J

AUGUST 08, 2017

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