

# Asola Homes Welfare Association & Anr vs Government Of Nct Of Delhi & Ors on 23 May, 2022

**Author: Chandra Dhari Singh**

**Bench: Chandra Dhari Singh**

\$~25

\*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 8052/2022

ASOLA HOMES WELFARE ASSOCIATION & ANR

..... Petitioners  
Through: Mr. Vivek Kohli, Sr. A  
Mr. Vivek K. Tandon, M  
Rinchhen, Ms. Rinku Ti  
Juvas Rawal, Advocates

versus

GOVERNMENT OF NCT OF DELHI & ORS

Through: Mr. Satyakam, ASC for

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH  
ORDER

% 23.05.2022 Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(C) 8052/2022 & CM APPL. 24449/2022

1. The instant civil writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioners seeking following reliefs:-

"a. Issue an appropriate writ, order or direction in the nature of Mandamus directing the Respondents to carry out the demarcation of the forest land, and other lands, in the village Asola, by the prescribed procedure, after giving due notice to the Petitioner Association / its members and fixing reference points as per law;

b. Issue an appropriate writ, order or direction in the nature of Certiorari quashing the 2015 Dhyani Report and the 2017 STF Report;

c. Issue an appropriate writ, order or direction in the nature of Mandamus directing the Respondents not to carry out demolition of any portion of the lands owned by the members of the Petitioner Association till fresh demarcation is carried out;

d. Issue such other appropriate writ, order or direction that this Hon'ble Court may deem just and equitable in the facts and circumstances of the present case and in the interest of justice..."

2. After some length of arguments, learned counsel appearing on behalf of petitioners prays for some time for approaching the Deputy Commissioner (South), Department of Revenue, Government of NCT of Delhi, by way of filing a detailed application along with the instant writ petition, for adjudication of the entire dispute.

3. Learned counsel appearing on behalf of respondents vehemently opposed the limited prayer made by learned counsel for the petitioners.

4. Heard learned counsel for the parties and perused the record.

5. Section 28 of the Delhi Land Revenue Act, 1954 stipulates as under:-

"28. (1) All disputes regarding boundaries shall be decided by the Deputy Commissioner, as far as possible, on the basis of existing survey maps, but if this is not possible, the boundaries shall be fixed on the basis of actual possession.

(2) If in the course of an inquiry into a dispute under this section, the Deputy Commissioner is unable to satisfy himself as to which party is in possession, or if it is shown that possession has been obtained by wrongful dispossession of the lawful occupants of the property within a period of three months previous to the commencement of the inquiry the Deputy Commissioner-

(a) in the first case, shall ascertain by summary inquiry who is the person best entitled to the property, and shall put such person in possession; and

(b) in the second case, shall put the person so dispossessed in possession and shall then fix the boundary accordingly."

6. The statutory provision enables the concerned parties to approach the Deputy Commissioner regarding any dispute relating to boundaries. The parties, herein, are also before this Court today with a limited issue pertaining to the similar subject matter.

7. Keeping in view the statutory provisions as well as the facts in the petition, this Court is inclined to allow the limited prayer made by learned counsel for the petitioners to move a detailed application along with the writ petition before the Deputy Commissioner (South), Department of Revenue, Government of NCT of Delhi within two weeks.

8. It is directed that after receipt of the application, the Deputy Commissioner (South), Department of Revenue, Government of NCT of Delhi, shall decide the dispute related to the incidental and ancillary issue of demarcation of the land in accordance with law, keeping into consideration the

facts and contentions made in the instant writ petition and pass a detailed/well-reasoned order expeditiously, preferably within a period of six weeks. The petitioners are also directed to cooperate in the proceedings.

9. No coercive steps shall be taken against the petitioners as per the list of names given on page 77, Annexure-P4 to the petition till the disposal of the application. It is also directed that status quo with respect to the boundaries of the respective petitioners shall be maintained by both the parties.

10. With the aforesaid directions, the petition along with the pending application stand disposed of.

CHANDRA DHARI SINGH, J MAY 23, 2022 dy/ms