

Badley Ram Vs. Delhi Development Authority and Others

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Court : Delhi

Decided On : Sep-06-2001

Reported in : 95(2002)DLT380

Judge : Mr. Manmohan Sarin, J.

Appeal No. : CW No. 2333/98 and CM 5792/98

Appellant : Badley Ram

Respondent : Delhi Development Authority and Others

Advocate for Def. : Mr. D.K. Rustogi, Adv.; Ms. Anusuya Salwan, Adv.

Advocate for Pet/Ap. : A.K. Bajpai, Adv

Judgement :

ORDER

Manmohan Sarin, J.

Rule.

1. With the consent of the parties writ petition is taken up for disposal.
2. The petitioner has filed this writ petition seeking a writ of mandamus the Delhi Development Authority, Development Commissioner and the Deputy Commissioner for taking action against respondents 4 to 7 for alleged

encroachments. Petitioner seeks a mandamus to respondents 1 to and 3 to get evicted respondents 4 to 7 from a piece of land, which is claimed to be a part of khasra No.384, situated at Village Khanpur, Tehsil Mehrauli, New Delhi. The said portion is stated to be in the illegal occupation of respondents 4 to 7.

3. Case of the petitioner in short is that a total area of 7 bighas and 7 bids was of land in khasra No.384 was acquired and it was handed over to DDA. However, DDA has failed to remove the encroachments. Counsel for the petitioner submitted that as a result of the encroachments, the respondents have blocked a passage/rasta, which is the subject matter of challenge in Suit. No. 1603/96. It is further claimed that a boundary wall has also been constructed by the respondent 4 to 7 in one bigha of khasra No.384. Further that as a result of encroachments by respondents 4 to 7 in khasra No.469, the access to the house of the petitioner is also obstructed.

4. Mr. D.K. Rustogi who appears on behalf of respondent 4 to 7 denies the allegations of encroachment. He submits that respondents are in occupation of land owned by them. He further seeks to urge certain alleged contradictions in the stand of the petitioner with regard to the particular khasra numbers, where encroachments are alleged. Counter affidavit filed by the DDA admits encroachment in Khasra N.384 by respondents 4 to 7. It is also claimed by DDA that they had initiated action and sought removal of the encroachments. Mr. Rustogi wanted to persuade me to go into the question of determination of the exact boundaries and particulars of khasra numbers, where the encroachments are said to be existing. It is not the function of this court in writ jurisdiction to get into these disputed questions of fact embark into demarcation for determining the boundaries.

5. Respondent/DDA admits that the land had been acquired and claims there to be an encroachment by respondents 4 to 7 in khasra No.384. It would be for the DDA to discharge its statutory obligations with dispatch and in case respondents 4 to 7 wishes to raise any disputes with regard to the exact location or dispute the factum of said encroachments, it would be for the said respondents to take such remedies as available at law. AS far as this writ petition is concerned, let the DDA proceed

with dispatch with regard to removal of encroachments on public land. Ordered accordingly.

6. Writ petition stands disposed of.

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