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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 9646/2006

RAVINDER SWAROOP ..... Petitioner  
Through: Mr. Sunil Chauhan, Advocate.

versus

GOVT OF NCT & ORS ..... Respondent  
Through: Mr. Som Dutt Kaushik, Advocate.

CORAM:  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

ORDER  
31.05.2006

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Issue notice. Mr. Kaushik accepts notice on behalf of the respondents.

The petitioner claims to be in cultivatory physical possession of land being Khasra Nos. 108/4 and 105/12 in revenue estate of Village Bawana. He claim title through the predecessor in interest who was allegedly in possession since 1976-77. It is also stated that the petitioner's possession was being recorded continuously in the Khasra Girdawaries for the period 1977-1983. He, consequently filed application under Section 85 of the Delhi Land Reforms Act, in 1987 for declaration of Bhumidari Rights.

Apparently the application was dismissed in default in 1991. He applied for restoration of the proceeding under Appendix VI, Rule 14 of the Land Contract Act for setting aside the dismissal. This too was dismissed.

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The petitioner preferred an appeal against this order which was pending for more than 13 years.

Learned Counsel submits that in the meanwhile, the petitioner filed a civil suit in respect of Khasra No.105/12 against the Delhi Transport Corporation which was pending. The petitioner has been apparently granted interim protection in respect of that land by this Court by order of this Court dated 27.2.2004 in CM(Main) No.287/2004. The order of this Court in the said proceeding was on account of the report of the Local Commissioner.

It is submitted that the appeal preferred against the order dismissing the claim for Bhumidari Rights, in default was rejected some time in the year 2005. The petitioner thereafter filed a fresh application under Section 85 because as per the averment he continues to be in possession of the entire disputed land. In this background, the respondents are alleged to have carried out some demolition work in the suit property.

Having considered the materials on record and the submission of parties, I am of the opinion that the only relief which can be granted at this stage would be to direct the respondent to consider and decide the application preferred by the petitioner on 24-6-2005 for grant of Bhumidari Rights under Section 85 of the Delhi Land Reforms Act entitled *Ravinder Swaroop vs Gaon Sabha, Village Bawana* as expeditiously as possible

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and in any case not later than six months from today.

The status quo as obtaining, in respect of Khasra No.108/4 ad-measuring 4 bighas and 15 biswas shall be maintained by the parties till the disposal of the said application under Section 85.

The petition is disposed off in terms of the above directions.

Order dasti.



S.RAVINDRA BHAT, J

MAY 31, 2006  
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