

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-
110110
Tel Nos. 011-23379900-01 Fax No.011-23370903
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR
dated 25.9.97

Date of hearing: 20.01.2021

Complainant : **Shri Shyam Sunder Tyagi**
Respondent : District Magistrate (South-West),
Revenue Deptt. GNCTD
Through :
Shri R.K. Gupta, Tehsildar

Grievance No. : PGC/2019/A.II/Rev./05

1. Brief facts of the case

1.1 Shri Shyam Sunder Tyagi has filed a grievance in this Commission on 08.04.2019 seeking possession in respect of Khasra No. 142/1 and 95. He stated that the occupant of Khasra No. 142 is not allowing him to construct the boundary wall. He further stated that the Court of Civil Judge – 06, Central District, Tis Hazari Court vide order dated 18.1.2019 held :-

“the suit of plaintiff stands decreed with costs and defendants No. 1 to 7, their agents, servants etc. Are restrained from dispossessing or interfering in the peaceful use and occupation of the plaintiff in land bearing Khasra No. 142/1 (4-19) and Khasra No. 95 (0-2) situated in Village Rewala Khanpur, Delhi-110043”.

The complainant stated that Shri Sudhir, occupant of 142, Village Rewala Khanpur, has filed an appeal in the Dwarka Court against this order dated 18.1.2019. The complainant stated that the next date of hearing in this appeal case is fixed for 19.08.2019.

1.2 The complainant further stated the passage in Khasra No. 133 has been encroached upon by Shri Phool Singh Tyagi s/o Shri Munshi Ram Tyagi and Shri Balbir s/o Shri Amar Singh, r/o Village Rewala Khanpur, Delhi. The

complainant requested that the encroachment from this passage in Khasra No. 133 be removed in the interest of the residents of the village.

2. **Facts emerged during the proceeding:**

2.1 After the last hearing in this grievance case on 27.06.2019, a meeting was fixed in the Commission on 23.10.2020. The meeting was attended by Shri Mukesh Rajora, SDM (Kapashera), Shri R.K. Gupta, Tehsildar (Kapashera), Shri Vijender, Kanungo, representative of BDO, District South-West and the complainant. After discussions pertaining to this grievance case, it was decided that BDO, District South-West shall visit public passage no. 133, Village Rewla Khanpur & ascertain if the earlier demarcation done by the department will suffice for encroachment removal programme or a fresh demarcation by TSM/manual demarcation is required. Clear recommendation from him was sought. In respect of Khasra No. 142/1 & 95, Village Rewla, Khanpur, a visit was to be made by SDM (Kapashera) to ascertain if there is feasibility of manual demarcation, as per the request of the complainant or demarcation by TSM is required. A clear recommendation was sought from SDM (Kapashera).

2.2 With regard to the above, BDO, District South-West vide letter dated 5.11.2020 informed that due to dense population, demarcation should be done only by TSM. SDM (Kapashera) vide letter dated 11.11.2020 informed that inspection of subject land was done. No mustil stone was found near the subject land and hence, manual demarcation is not feasible. As such, demarcation should be done by TSM.

2.3 Shri R.K. Gupta, Tehsildar, Kapashera stated at today's hearing that letter dated 22.12.2020 was addressed by SDM (Kapashera) to the complainant to arrange for TSM at the earliest for conducting demarcation of the impugned land.

2.4 The complainant agreed for demarcation by TSM and stated that he will deposit the requisite fee or arrange for TSM for the purpose of demarcation. He requested that as there is mustard crop cultivated in the subject land, which will be harvested in the month of March, the demarcation can only be done after harvesting of the crop.

3. **Directions**

3.1 The complainant has since agreed to pay the requisite fee for demarcation by TSM or arrange for TSM. But, as crop

is cultivated in the subject land, the demarcation by TSM can only be done after harvesting of the crop.

3.2 In view of above, the complainant is directed to deposit the fee for demarcation by TSM or arrange for TSM, for the purpose of demarcation and give intimation of the same to SDM (Kapashera), in writing.

3.3 On receipt of intimation from the complainant, in writing, SDM (Kapashera) shall ensure that the demarcation of Kh. Nos. 133 and 142/1, Village Rewla Khanpur is done and thereafter, action with regard to removal of encroachment from the public passage in Kh.NO. 133 and handing over possession of plots in Kh.No. 142/1 to the complainant, is ensured.

3.4 As the demarcation will take some time, **the grievance case is being closed in the Commission**. The complainant may approach the Commission, if even after demarcation, requisite action is not ensured by SDM (Kapashera).

(SUDHIR YADAV)

MEMBER (PGC)

PGC/2019/A.II/Rev./12

Dated :

1. District Magistrate (South-West), Revenue Department, Govt.

of

NCT of Delhi, Old Terminal Tax Building, Kapashera, New Delhi.

2. Sub-Divisional Magistrate (Kapashera), Revenue Department, Govt. of NCT of Delhi, Old Terminal Tax Building, Kapashera, New Delhi.

3. Block Development Officer (South West), Revenue Department, Govt. of NCT of Delhi, Old Terminal Tax Building, Kapashera, New Delhi.

4. Shri Shyam Sunder Tyagi