



OFFICE OF MINISTER OF LAW, TRANSPORT, ADMINISTRATIVE REFORMS  
INFORMATION TECHNOLOGY, REVENUE AND  
WOMEN & CHILD DEVELOPMENT  
GOVERNMENT OF NCT OF DELHI  
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-110002

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Sub.: Regarding demarcation of Mehrauli Archaeological Park in Village  
Ladha Sarai, District South

1. A representation dated 09.02.2023 was received from few residents of Village Ladha Sarai and a representation dated 10.02.2023 was received from Shri Somnath Bharati, Hon'ble MLA (Malviya Nagar) stating therein that DDA had passed a resolution and demolition order dated 12.12.2022. That vide the said demolition order, DDA decided to remove the alleged encroachment situated on the Government land in village Ladha Sarai falling in Khasra Nos. 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 172, 173, 178, 179, 206, 207, 366/359/208, 367/359/208, 360/208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 368/220, 369/220, 370/220, 433/221 and 435/221. That it was also stated in the said representations that demarcation of the said land by the Revenue Department of Govt of NCT of Delhi is the only source for DDA to identify the encroachment. It was also stated in the said representations that the demarcation carried out by the Revenue Department, GNCTD was illegal and *void-ab-initio* and was neither done in accordance with law nor the principles of natural justice were followed prior to the same. It was requested in the said representations that cognizance in the said matter be taken immediately and directions be issued to the Revenue officials to set aside the said demarcation reports.
2. That it has also come to my notice and knowledge through electronic, print as well as social media that DDA on 10.02.2023 undertook demolition drive in village Ladha Sarai and recklessly demolished various old constructions alleging that the same were standing on the Government lands.

3. That considering that the entire demolition action of DDA was based upon a demarcation exercise carried out by Revenue Department, Govt of NCT of Delhi, which was being disputed by the residents of the village, it was considered desirable to immediately call for a meeting of the concerned Revenue officials. Accordingly, a meeting was called with DM (South) and other senior Revenue officials on 10.02.2023 at 4.00 PM. A formal meeting notice vide No.584-86 dated 10.02.2023 was also issued in this regard.
4. The aforesaid meeting was attended by DM (South) as well as other senior Revenue officials of District South. During the meeting, in response to various queries, Revenue officials stated as under :-
  - i. The demarcation carried out by Revenue officials in December 2021 was the only one in the last 2 (two) years and the officials were not aware of any earlier demarcation report which has been mentioned in the representation of the villagers;
  - ii. It was informed that all the impugned Khasra Nos. have been recorded in the Revenue records as 'Sarkar Daulat Madar'. None of the Khasra Nos. was in the name of any individual;
  - iii. **Notices had not been issued to the residents of the village before carrying out demarcation exercise for the simple reason that the names of the residents do not find mention in the records of the RoR;**
  - iv. It was informed that lot of litigation has taken place over the alleged encroachment in the area.
5. That my attention has been drawn towards the following order(s) which were passed by the Hon'ble High Court of Delhi on 10.02.2023. From the said orders it is apparent that the Hon'ble High Court has heard the said matters on an urgent basis after the same were mentioned and listed before the Hon'ble Court on 10.02.2023.
  - i. In WP(C) No.1770 of 2023, Amardeep Singh Behl & Others Vs. GNCTD & Others, the Hon'ble Court has directed as under :-



**"2. Ld. Senior Counsel for the Petitioner stated before the Court that the said building is situated in Khasra No.1151/3 (min) in Village Mehrauli, which is not mentioned in the demolition order but the demarcation action is being proposed in this Khasra as well, which is contrary to the demolition order dated 12.12.2022.**

.....

**5. In view of the fact that Khasra No.1151/3 min finds no mention in the demolition order dated 12.12.2022, it is directed that status-quo be maintained with respect to the said property, until the next date of hearing."**

- II. In WP(C) No.378 of 2023, Raghu Rai Vs. GNCTD & Others, the Hon'ble High Court vide its order dated 10.02.2023 directed as under :-

**"6. In view of the fact that Khasra No.1151/3 min, finds no mention in the demolition order dated 12.12.2022, it is directed that status-quo be maintained with respect to the said property, until the next date of hearing."**

I may note that the Hon'ble Court has observed in para 3 of the aforesaid order, while quoting the Ld. Counsel for the petitioner, that **"The subject building is situated in khasra No.1151/3 min in Village Mehrauli, which is mentioned in the demolition order. However, the demolition action is being proposed in this khasra as well, which is contrary to the demolition order dated 12.12.2022."**

- III. In WP(C) No.1779/2023, J-1043/2 Green View Apartments Resident Welfare Association (RWA) Mehrauli Vs. DDA & Others, the Hon'ble Court has directed as under :-

**"5. In view of the fact that Khasra No.1151/3 min finds no mention in the demolition order dated 12.12.2022, it is directed that status-quo be maintained with respect to the said property, until the next date of hearing."**

Ld. Counsel for the Petitioner had submitted before the Hon'ble Court, as noted by the Hon'ble Court in para 2 of the aforesaid order, that the subject building in Khasra No.1151/3 min in Village Mehrauli, which is not mentioned in the demolition order dated 12.12.2022.

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6. Be that as it may, I may like to state that the action on part of the Revenue Department in conducting the demarcation exercise at the request of DDA was not proper for the following reason(s):
- i. It is an admitted position that village Ladha Sarai is a densely populated area and the building/residential houses in the said village are very old.
  - ii. In meeting dated 10.02.2023, it is admitted by Revenue officials that before demarcation of the Khasra Nos. as stated above, no notice was served to the occupants of the said Khasra Nos. and obviously there was no participation of the said occupants at the time of conducting the said demarcation. Thus, it is apparent that the said demarcation has been conducted by keeping the occupants in dark and no hearing of any nature whatsoever was given to the aggrieved persons.
  - iii. It is understood that village Ladha Sarai was urbanized long ago and, therefore, the Revenue Department have not been updating the revenue records.
  - iv. The Revenue officials were aware of the fact that DDA requested them for the demarcation of the said Khasra Nos. as they intended to conduct demolition drive on the same. Revenue officials are well aware of the provisions of DUSIB Act, 2010, Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015. That National Capital Territory of Delhi (Special Provisions) Amendment Ordinance is still in vogue and is being extended from time to time. The same is also in the express knowledge of Revenue officials.
  - v. That it is clear that the Revenue officials before conducting the demarcation of the said Khasra Nos. did not consider the provisions of the above statutes.
  - vi. That I may like to add here that the Hon'ble Supreme Court of India recently in SLP (C) Diary No. 289 of 2023 now numbered as SLP (C) No. 1002 of 2023 vide order dated 05.01.2023 stayed the demolition drive which the state of Uttarakhand decided to undertake on the land which vests with the railways. I deem it proper to reproduce the said order hereunder:

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"Applications for permission to file SLPs are allowed. Applications for exemption from filing official translation and c/c of the impugned judgment and permission to file lengthy list of dates and additional documents/facts/annexures are allowed.

We have heard learned counsel for the parties. Learned ASG has emphasized the need of the Railways but the moot point to be considered would be the stand of the State Government also as to whether the complete land is to vest in the Railways or the State Government is claiming a part of the land.

Apart from that, there are issues of occupants claiming rights in the land as lessees/auction purchasers. We have cavil to the way the directions have been passed in the impugned order as there cannot be uprooting of 50 thousand people overnight within seven days. We do believe that a workable arrangement is necessary to segregate people who may have no rights in the land and those who have but to be removed but coupled with schemes of rehabilitation which may already exist while recognizing the need of the Railways.

We have put to learned ASG that look may be had to the methodology of achieving the purpose of the requisite land being made available to the Railways coupled with the rehabilitation of the persons in the area.

In pursuance to the earlier Supreme Court orders, proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act have been taken up and have culminated in orders. Some appeals are stated to be pending but without stay. Those proceedings will go on.

*Issue notice.*

*Learned ASG accepts notice on behalf of the Railways.*

*Mr. Jatinder Kumar Sethi, Deputy Advocate General who has joined the proceedings virtually accepts notice for the respondent State.*

*In the meantime, there shall be stay only of the directions passed in the impugned order(s). That has also to be coupled with complete restraint on any further occupation of land and/or construction whether by the existing occupants or by anyone else.*


*List on 07.02.2023."*

- vii. That I am of a firm opinion, that demarcation reports certainly would have yielded different results had the Revenue officials taken care of the above before conducting demarcation exercise at the request of DDA.
7. In view of the above reasons, DM (South) is advised to carry out afresh demarcation exercise of Mehrauli Archaeological Park situated in village Ladha Sarai and it is expected that the same shall be strictly done keeping in view my above observations. During this exercise, the persons who are likely to get affected may be asked to remain present during the demarcation exercise for the sake of fairness and transparency.
8. DM (South) is further advised to immediately inform the DDA authorities about this order and that afresh demarcation exercise shall again be carried out.

DM (South)

UO No. 599 dt 11.02.2023

  
11/2/2023  
( KAILASH GAHLOT )  
MINISTER (REVENUE)

  
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