

Sr. No.	Date	Orders
		<p data-bbox="472 311 707 349">%13.10.2004</p> <p data-bbox="472 393 1216 437">Present: Mr.Anand Yadav for the petitioner.</p> <p data-bbox="472 517 829 561"><u>+W.P(C) 16561/2004</u></p> <p data-bbox="472 561 488 583">*</p> <p data-bbox="472 643 1580 1417">As per the documents filed with the writ petition, a decree/order has been passed in favour of Gaon Sabha Dhool Siras which is sought to be executed by and under a warrant dated 28.5.2001. Photo copy of said warrant is at page 33 of the writ record. Warrant reveals that it is directed against one Shri Meer Singh S/O.Bhola Ram and few other persons evidenced by the fact that in the cause title it is recorded:- "Meer Singh S/o Bhola Ram &amp; Ors." The warrant would reveal that the persons against whom it is directed are sought to be ejected from land comprised in khasra No.152(1-8).</p> <p data-bbox="472 1462 1580 1981">Case of the petitioner is that he is in possession of 360 sq.yards of land comprised in khasra No.152. The land falls within the village abadi and, therefore, Section 86A of the Delhi Land Reforms Act, 1954 does not apply. Case of the petitioner is that the warrant of possession in question is a result of a determination of a proceeding under Section 86A of the Delhi Land Reforms Act, 1954.</p>

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		<p>If petitioner is not a party to the proceedings which have resulted in order dated 24.12.1999 being passed, which order is sought to be executed by and under the warrant of possession, petitioner must bring this fact to the notice of the execution court and only where the executing court were to pass an adverse order against the petitioner, could the petitioner have any other remedy available as per law. Further, whether the land in question is within the village abadi and as a consequence thereof Section 86A is not attracted would also have to be urged at the first instance before the executing court.</p> <p>Petitioner has directly approached this court. I refused to entertain the petition. Remedy of the petitioner is as indicated above.</p> <p>It may be observed that if the petitioner files the requisite application, the Revenue Assistant would deal with the application on the same date when it is filed.</p> <p>Counsel for the petitioner states that there is eminent danger of petitioner being dispossessed. He seeks interim protection.</p> <p>The respondents would not execute the warrant at page 33 against the property of the petitioner for a period of 2</p>

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		<p>weeks from today. It is made clear that this order is not to be construed as an expression on the merits or otherwise of the claim of the petitioner.</p> <p>Dasti.</p> <p>October 13, 2004</p> <p>n</p> <p><i>T. Nandrajog</i> PRADEEP NANDRAJOG, J.</p>