

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 23686-87/2005

RADHEY MOHAN & ANR Petitioners
Through Mr. Raman Duggal, Advocate.

versus

FINANCIAL COMMISSIONER NCT OF Respondents
Through Mr. Amiet Andlay, Advocate for
respondents 1 and 2.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
18.03.2008

1. The petitioner has made the following prayers before this Court:-

“(i) issue a writ in the nature of certiorari and quash the orders dated 27.2.2001 and 5.3.2001 passed by the respondent No. 1 in case No. 39/2001-CA and also case No. 11/2001/CA.

(ii) issue writ in the nature of mandamus by directing the respondent No. 2 to put the petitioners in possession of their land bearing khasra No. 115/24 and ad-measuring 4 Bighas & 16 Biswas as per old holdings, till the complete implementation of Consolidation Scheme.

(iii) direct the respondents to implement the consolidation scheme as per law.

(iv) and also pass any other further order/s as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The impugned orders dated 27th February, 2001 and 5th March, 2001

were passed by the Financial Commissioner directing maintenance of status quo. As a result of the said orders, consolidation proceedings in the village Kanjhawala had come to a standstill and, therefore, the petitioner had raised the grievance and made the consequential prayer Nos. 2 and 3.

3. The respondent revenue authorities in their counter affidavit filed on 18th January, 2007 have stated that the stay order granted by respondent No. 1, the Financial Commissioner was vacated on 2nd January, 2007 and, therefore, there is no impediment in implementing and executing the consolidation scheme. With the vacation of the stay order, the principal grievance raised by the petitioner is addressed. The other prayers are basically consequential in nature as the respondent revenue authorities were unable to implement the consolidation scheme in view of the stay order.

4. In these circumstances, the writ petition is disposed of with direction to the revenue authorities to implement the scheme expeditiously and as per law and dispose of the application filed by the petitioner preferably within a period of four months from today. In case, the petitioner has not filed any application, he may do so in accordance with law. This Court is not deciding inter se dispute between the petitioner and the applicant viz. Mr. Ved Prakash or the merits of the claim made by the parties. These

aspects will have to be examined and gone into by the revenue authorities and the parties will be at liberty to challenge the order passed by the revenue authorities in accordance with law.

With the above observations, the writ petition is disposed of.

SANJIV KHANNA, J.

MARCH 18, 2008

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