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

+ CONT.CAS(C) 678/2011

SUKHBIR SINGH KEMWAL

..... Petitioner

Through: Mr. S.K. Rout & Mr. B.K. Routray,
Advocates.

versus

PM MEENA EX TEHSILDAR

GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Neeraj Choudhary, Advocate,
for the GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

21.11.2011

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The present petition has been preferred complaining of the willful and deliberate breach of the order dated 21.05.2010 passed by this Court in W.P.(C.) No. 3316/2010 and C.M. No. 6650/2010. By the said order, this Court had directed the parties to maintain status-quo. This order was confirmed vide an order dated 22.11.2010 till the decision of the writ petition.

The submission of learned counsel for the petitioner is that despite the said specific order, the respondents moved an application under Section 55 of the Delhi Land Revenue Rules to seek recall of the order dated 07.11.2009 before the Court of the Tehsildar, Narela. This application was moved some time in July 2010. The submission of learned counsel for the petitioner is that the Tehsildar, Narela

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entertained this application and passed an order on 28.01.2011, thereby recalling the order dated 07.11.2009. According to the petitioner, the aforesaid action of the respondents constitutes deliberate and willful breach of the order passed in the writ proceedings.

I find no merit in this submission of learned counsel for the petitioner. The grant of status-quo order only pertains to possession and does not take away the right of the respondents No. 3 & 4 to agitate their rights in appropriate proceedings before the revenue authorities. Similarly, the obligation of the Tehsildar, Narela to deal with an application moved before him under the Delhi Land Revenue Act is also not suspended on account of passing of the statu-quo order in relation to the possession.

The petitioner has placed on record a copy of the writ petition wherein the aforesaid order has been passed. The petitioner has also placed on record the application under Section 151 CPC moved in the aforesaid writ petition. The prayer made in the said application is particularly vague and reads as follows:

"In view of the aforesaid facts and circumstances of the case, it is, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- (a) Grant ad-interim stay to the petitioner till the disposal of the writ petition.*
- (b) Pass such other and further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

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The respondents, therefore, in any event, cannot be said to have breached the order passed in the writ proceedings as the said order lacks clarity and does not purport to even stay the proceedings in relation to the land in question before two land revenue authorities.

I do not find any disobedience of the order of the Court, much less willful. The petition is, accordingly, dismissed.



VIPIN SANGHI, J

NOVEMBER 21, 2011

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