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

+ **FAO(OS) 139/2015**

SECRETARY, LAND & BUILDING DEPARTMENT

..... Appellant

versus

SHIBU CHERIAN & ORS

..... Respondents

+ **FAO(OS) 140/2015**

SECRETARY, LAND & BUILDING DEPARTMENT

..... Appellant

versus

G INDIRA & ORS

..... Respondents

Through: Mr A. Rasheed Qureshi for the appellant
Mr Mohan Kumar and Mr R.D Tyagi for R-
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CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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25.03.2015

CM No. 5566/2015 in FAO(OS) 139/2015 and CM No. 5570/2015 in FAO(OS) 140/2015

The delay is condoned.

The applications stand disposed of.

CM Nos. 5568-69/2015 in FAO(OS) 139/2015 and CM Nos. 5572-73/2015 in FAO(OS) 140/2015

The exemptions are allowed subject to all just exceptions.

The applications stand disposed of.

FAO(OS) 139/2015 & CM No. 5567/2015, FAO(OS) 140/2015 & CM No. 5571/2015

These appeals raise common issue and, therefore, are being considered together. In both these appeals the orders dated 17.11.2014, which are virtually

identical, have been challenged. The applications filed on behalf of the plaintiffs / respondents for de-sealing of the suit property in both the cases was allowed by the learned Single Judge on the ground that other similarly situated plaintiffs in separate suits did not have their properties sealed. It is only the two plaintiffs in these matters who filed their suits beyond the period granted by the writ court. The others had filed their suits within the time granted. This is the only difference. The learned Single Judge on the grounds of parity with the others has directed the de-sealing of the premises of the plaintiffs in these matters. We see no reason to interfere with the order passed by the learned Single Judge.

We are now informed that some of the others had also filed the suits beyond the time granted by the writ court. But in those cases the appellant had not sealed their premises by the time the suits had been filed and in those matters interim orders have been confirmed whereby the appellant has been restrained from sealing the premises. It is, therefore, all the more clear that the learned Single Judge, in treating the present matters at par with the others, has directed de-sealing of the suit properties.

The appeals have no merit. The same are dismissed.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MARCH 25, 2015
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