2

$~1&2

* IN THE HIGH COURT OF DELHI AT NEW DELHI

1+ LPA 182/2015, CMs No.5757/2015 (for stay) & 5758/2015 (for exemption)

JOHN NAGAR ..... Appellant

Through: Mr. Ujjwal Jha, Adv.

Versus

SDM (RA) & ORS ..... Respondents

Through: Mr. Rakesh Mittal, Adv. for R-1&2.

AND

2+ LPA 183/2015, CMs No.5766/2015 (for stay) & 5767/2015 (for exemption)

RONALD NAGAR ..... Appellant

Through: Mr. Ujjwal Jha, Adv.

Versus

SDM (RA) & ORS ..... Respondents

Through: Mr. Rakesh Mittal, Adv. for R-1&2.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **15.04.2015**

1. These two intra court appeals impugn identical but separate orders, both dated 23rd March, 2015, of the same learned Single Judge, of dismissal of W.P.(C) Nos.2891/2015 & 2893/2015 filed by the appellant respectively. The said writ petitions in turn were filed impugning the order dated 16th

March, 2015 of the Revenue Assistant, Mehrauli, Delhi, in a mutation proceeding, though adjourning the proceeding owing to non-availability of the Advocates, spelling out the controversy and the clarifications which the Advocates on the next date were required to give. The writ petitions were filed alleging that the language used while highlighting the controversy and seeking the clarifications, is prejudicial to the appellants / writ petitioners.

2. The learned Single Judge dismissed the writ petitions *in limine,* observing that the appropriate remedy for the appellants / writ petitioners was to raise all the contentions before the Revenue Assistant and interference at that stage was not warranted.

3. Not satisfied, these appeals have been preferred.

4. The counsel for the appellants has argued that the Revenue Assistant in the order dated 16th March, 2015 has wrongly proceeded on the premise that the compromise arrived at between the parties in a partition suit in this Court does not bind the Revenue Assistant.

5. We have gone through the order dated 16th March, 2015 and do not find the Revenue Assistant to have arrived at any conclusion and find the Revenue Assistant to have merely spelled out the matters on which he required the counsels to address on the next date. A perusal of the said order of the Revenue Assistant also discloses that there is a direction of this Court in some other proceeding for expeditious disposal of the matter pending before him. Perhaps, in the light of the said direction, the Revenue Assistant did not want the date of 16th March, 2015 to be wasted and spelled out the aspects on which he wanted the counsels to address on the next date.

6. The appellants instead of satisfying the Revenue Assistant qua the queries raised in the order dated 16th March, 2015, filed the writ petitions and which have been rightly dismissed.

7. The appeals are thoroughly misconceived and are dismissed.

CHIEF JUSTICE

RAJIV SAHAI ENDLAW, J.

APRIL 15, 2015
Bs..