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

+ CM(M) 13/2015

SHRI KISHAN CHAND & ORS

..... Petitioner

Through: Mr. Mohit Ramdeo, Advocate

versus

GAON SABHA KHARKHARI & ORS

..... Respondent

Through: Mr. Mukesh Kr Singh and Mr. Sanjay
K Pathak, Advocates

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

11.01.2016

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The present petition has been preferred under Article 227 of the Constitution of India by the petitioner with the grievance that the Financial Commissioner, Delhi who is hearing Case No.95/2014, vide order dated 23.12.2014 directed maintenance of status quo by all the parties till the next date of hearing (which was fixed for 17.03.2015), but did not stay the order directing payment of costs of Rs.1 lakh by the petitioner imposed vide order dated 03.04.2013 by the learned SDM. Learned counsel for the petitioner further submits that the petitioner was also not granted the right to cultivate in the land in question.

Learned counsel has brought to notice the order passed by this court in earlier writ petition preferred by the petitioner in W.P. (C) No.6554/2013. While hearing that petition, a statement had been made by the learned

standing counsel Ms. Zubeda Begum appearing for the GNCTD- on instructions of the Deputy Commissioner (South-West) that the respondent have no objection in case the appeal preferred before the Deputy Commissioner, Delhi is decided without payment of costs.

In my view, the grievance with regard to the order directing payment of costs not being stayed appears to be justified. Since the appeal is pending and being heard by the Financial Commissioner, Delhi, the costs imposed on the petitioner ought to have been stayed. However, the prayer made by the petitioner that the petitioner should have been allowed to cultivate the land during the pendency of the appeal cannot be accepted. It is pointed out by learned counsel for the respondent that the forest department had planted trees on the land in question, which have been cut by the petitioner leading to the passing of order dated 14.02.2014 by the Deputy Conservator of Forests (West) imposing penalty of Rs.20,000/- on the petitioner.

In these circumstances, the petitioner cannot be permitted to damage the existing trees under the garb of cultivating the land in question. The order directing status quo to be maintained by the Financial Commissioner binds all the parties. The petitioner shall be equally bound by the said order and shall not in any way misuse the said order.

With the aforesaid observations, the petition stands disposed of.

VIPIN SANGHI, J

JANUARY 11, 2016

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