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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 595/2012

RAMBIR & ORS.

Through

..... Petitioners

Mr. M.M. Singh with Mr. S.K. Singh,
Advocates

versus

GOVT OF NCT OF DELHI & ORS. Respondents

Through

Mr. Nikhil Bhardwaj, Proxy Counsel
for Mr. Satyakam, ASC (Civil),
GNCTD for R-1 to 3.

Mr. Vikram Nandrajog with
Mr. Abhimanyu Singh Khatri,
Advocates for R-4 to 6.

SI G.D. Joshi, Special Cell/SR.

AND

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W.P.(C) 122/2013 & CM APPL.245/2013

JOGINDER SINGH

Through

..... Petitioner

Mr. Roopansh Purohit, Advocate

versus

GOVT. OF NCT OF DELHI AND ORS Respondents

Through

Mr. Nikhil Bhardwaj, Proxy Counsel
for Mr. Satyakam, ASC (Civil),
GNCTD for R-1 to 3.

Mr. Vikram Nandrajog with
Mr. Abhimanyu Singh Khatri,
Advocates for R-4 to 6.

SI G.D. Joshi, Special Cell/SR.

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Date of Decision: 2nd February, 2016

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petitions have been filed challenging the order dated 10th August, 2010 passed by the Public Grievance Commission, Delhi [for short "Commission"] in an appeal bearing no. 2644/2010/PGC/DRI/Rev(NW) filed under Delhi Right to Information Act, 2001 as well as for quashing of endorsement order dated 31st August, 2010 passed by Dy. Commissioner (NW) in pursuance to the aforesaid impugned order.
2. Petitioners who are alleged bhumidar and asami state that they are in physical possession of the land in question and have been cultivating the same since 1982. Petitioners are aggrieved by the fact that the Commission by the impugned order dated 10th August, 2010 directed the cancellation of order dated 29th April, 2005 passed by the Tehsildar (Narela) on the ground that the cancellation order was not traceable. Petitioners are also aggrieved by the consequent order passed by the Dy. Commissioner (NW) dated 31st August, 2010 whereby the entry in the revenue record has been reversed pursuant to the impugned order dated 10th August, 2010 passed by the Commission.
3. Learned counsel for respondent nos. 4 to 8 contends that his clients are bhumidars. He states that the revenue entries prior to 29th April, 2005 were in favour of respondent nos. 4 to 8.

4. However, learned counsel for petitioners refutes the aforesaid contentions.
5. This Court at the ex-parte stage had stayed operation of the impugned order.
6. Subsequently, on 13th March, 2014 this Court had directed respondent nos. 1 and 3 to produce the original revenue record, in particular, the order dated 29th April, 2005 on the basis of which the entries were alleged to have been made in favour of the petitioners. However, till date the said records have not been produced by the said respondents. Since two years have already lapsed, this Court has no other option but to proceed ahead with the hearing and disposal of the petitions.
7. Before appreciating the rival contentions, this Court deems it appropriate to reproduce the relevant portion of the impugned order passed by the Commission:-

“4. Director of the PGC

The Tehsildar (Narela) has been given sufficient time to search for the cancellation order dated 29/4/2005, and since this cancellation order is not traceable, it is just possible that it was never passed.

In the circumstances, the status quo ante be restored.”

8. In the opinion of this Court, the Commission has no jurisdiction to pass a status quo ante order while hearing an appeal under Delhi Right to Information Act, 2001.
9. Consequently, the impugned order dated 10th August, 2010 to the extent it directed restoration of status quo ante is set aside and the matter is remanded back to Commission for further hearing on 29th February, 2016.

Any action taken by any respondents in pursuance to the direction dated 10th August, 2010, which has been set aside, shall be reversed and not be given effect to.

10. With the aforesaid observations, present writ petitions and pending application are disposed of. However, it is clarified that rights and contentions of all parties on merit are left open to be raised before the appropriate forum/court.

MANMOHAN, J

FEBRUARY 02, 2016

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