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

+ **CONT.CAS(C) 605/2013**

**GAON SABHA KARAWAL NAGAR THR BDO (NORTH EAST)
DEPUTY COMMISSIONER OFFICE** Petitioner

Through **Mr.Satyakam, ASC for GNCTD with
Mr.P.K.Jayanat, BDO, NE, Delhi.**

versus

SHRI MANGAL SAIN AND ORS Respondents

Through **Mr.P.P.Malhotra, Sr.Advocate with
Ms.Protima Parihar, Advocate for
Revisionist.**

% **Date of Decision : 27th October, 2016**

**CORAM:
HON'BLE MR. JUSTICE MANMOHAN**

J U D G M E N T

MANMOHAN, J: (Oral)

C.M.No.37992/2016

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

Review Petition No.467/2016 & C.M.No.37991/2016

1. Present review petition has been filed by Sh.Mangal Sain, Mr.Jagat Sain and Mr.Brahm Sain, who claim themselves to be the co-owners of late Sh.Ghasi Ram on the ground that by virtue of the order dated 1st September, 2016, the possession of land in question could not have been handed over to the petitioner contrary to the status quo order dated 22nd August, 2012

passed in CS(OS) No.816/2002, wherein the possession of the applicants was recognised.

2. It is pertinent to mention that present contempt petition had been filed by the petitioner alleging that the status quo order had been violated by the present applicants as they had started cultivating the land and had also carried out construction.

3. Since during the arguments on 1st September, 2016 it transpired that a third party had filed a separate civil suit being CS(OS) No.461/2016 with regard to the land in question and the said third party was cultivating the land, this Court directed the petitioner-Gaon Sabha to construct a six feet wall around the property in question so that the same is not encroached upon by anyone.

4. During the hearing of present review petition, the applicants were directed to place on record the plaint as well as the orders passed in CS(OS) No.461/2016, which was initially numbered as CS(OS) No.1099/2015 and filed in this Court.

5. A perusal of the plaint and orders passed in CS(OS) No.1099/2015 (now numbered as CS(OS) No.461/2016) reveals that the said suit has been filed by the legal heirs of the eldest brother of the applicants in the present review petition. The plaintiffs in CS(OS) No.1099/2015 also obtained a status quo order in their favour. However, in their plaint, they neither impleaded the present review petitioners nor disclosed that there was a status quo order in favour of the review petitioners.

6. From the aforesaid, it is apparent that multiple proceedings have been filed by different parties, who claim themselves to be in exclusive possession of the land in question. Neither the review petitioners have

impleaded the plaintiff of CS(OS) No.1099/2015 (now numbered as CS(OS) No.461/2016) in the appeal proceedings filed by them nor have the plaintiffs impleaded review petitioners in their suit.

7. Consequently, as to what is the status quo is not clear. However, the property in question in the interregnum has to be protected.

8. Accordingly, this Court is of the view that the protection granted on 1st September, 2016 by constructing a wall is fair, reasonable and property.

9. However, it is clarified that the said order has been passed only to protect the land in question and to ensure that whatever orders are passed by the appropriate forums are abided by.

10. With the aforesaid clarification, present review petition and the application are disposed of.

MANMOHAN, J

OCTOBER 27, 2016

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