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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3944/2015

DAYA NAND & ORS.

..... Petitioners

Through Mr. Sunil Chauhan, Adv.

versus

FINANCIAL COMMISSIONER & ORS.

..... Respondents

Through Mr. Satyakam, ASC for R-1 to R-3.
Mr. V.P. Rana, Adv for R-4 & R-5.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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02.09.2016

The petitioners are aggrieved by the interim order passed by the Financial Commissioner on 14.12.2010 which was an interim order passed by the Financial Commissioner in a revision petition which has been filed by respondents No. 4 & 5 against the order passed by the Consolidation Officer dated 09.11.2010.

Record shows that there are eight petitioners before this Court. On 25.03.2010, pursuant to the orders passed in W.P. (C) No.8452/2009, the Deputy Commissioner, North-West directed respondent No. 2 to allot the land to the petitioners and other artisans in accordance with the scheme of allotment (prevailing at that time). In the course of the proceedings before the Revenue Authorities, private respondents (respondents No. 4 & 5) had been granted certain benefits qua the land in khasra No. 416, village Alipur which as per the case of the petitioners contained residential plots which had been

allotted in their favour. The Consolidation Officer vide his order dated 09.11.2010 had passed the following order which inter-alia reads herein as under:-

“Accordingly I hereby allowed the allotment to Sh. Jai Pal and Prem Chand in the Kh. Nos. 443 (4-16), 445 min (1-16), 446 min (1-0), total measuring 7 bigha 12 biswa (sada) and 22 bigha 16 biswa (std.) within the Extended Lal Dora Area of village Alipur. The total value for the allotment within the Extended Lal Dora area comes to 22-16 sada. After this allotment the deficiency of 49 bigha 06 biswa standard Rakba remains in their khata. And the same be allotted to Sh. Jai Pal and Prem chand in due course.

The deficiency in the khasra of Sh. Jai Pal and Preme Chand be fulfil after the scrutiny of records or at the time of consignment of the record of consolidation.

Further more the land which were already allotted to the artisan of the village is maintain as it is and accordingly the said persons are entitled for the possession of the respective land allotted to them and same may be handed over to them accordance with immediate effect the same are as under:-

S. No.	Item No. (Kh No.)	Name and Address	Plot No	Area Big. Bis
1	50	Pratap S/o Late Sh. Kanhaya	461/23	0-2 ½
2	52	Atar Singh S/o Bhartu	461/25	0-2 ½
3	53	Charan Singh S/o Jassu	461/26	0-2 ½
4	54	Rame S/o Bhartu	461/27	0-2 ½
5	56	Naffe Singh S/o Jagay Ram	461/29	0-2 ½
6	57	Ramesh S/o Jagay Ram	461/31	0-2 ½
7	58	Kaidar S/o Gyani Ram	461/32	0-2 ½
8	59	Dayanand S/o Harchand	461/33	0-2 ½
9	60	Man Singh S/o Amar Singh	461/34	0-2 ½
10	48	Jai Singh s/o Hajan	461/21	0-2 ½

11	49	<i>Laxmi W/o Jagdish</i>	461/22	0-2 ½
12	127	<i>Kabul Singh S/o Naggu</i>	Old 541/8 New646/9	0-2 ½
13	130	<i>Braham Singh s/o Asha Ram</i>	Old 541 New646/26	0-2 ½
14	131	<i>Samer Singh S/o Balbeer Singh</i>	Old 541/12 New461/28	0-2 ½

Against this order passed by the Consolidation Officer, the private respondents (respondents No. 4 & 5) had preferred a revision petition before the Financial Commissioner which is yet pending. This revision petition had been preferred in the year 2010 itself. Learned counsel for the petitioners submits that this revision petition is pending since 2010 without any effective proceedings having been taken place. Respondents No. 4 & 5 has disputed this proposition. Admittedly the petitioners are also parties in that revision petition. The contention of respondents No. 1 to 3 is that since this revision petition is pending before the Financial Commissioner, the issue now sought to be agitated before this Court can well be taken care of by the Financial Commissioner in his revisional jurisdiction as admittedly the petitioners are also parties in those proceedings. This Court notes this submission. This Court also notes that the order of the Consolidation Officer dated 09.11.2010 was largely in favour of the petitioners and if this order is upheld by the Revisional Court, the petitioners would probably have no grievance left.

Accordingly, this Court is of the view that this petition be disposed of with directions to the Financial Commissioner to hear the

revision petition early and preferably dispose it of within an outer limit of six months from the date of the receipt of this order. Needless to state that if the petitioners are aggrieved by the order passed by the Financial Commissioner, they would be at liberty to assail that order.

Needless to further state that any observation made in this order will not influence the order to be passed by the Financial Commissioner who shall deal with it strictly in accordance with law and on the merits of the case. It is made clear that no unnecessary adjournment shall be taken by either party.

No further orders are called for on this petition. It is disposed of.

INDERMEET KAUR, J

SEPTEMBER 02, 2016

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