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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6936/2013 & C.M. No.15026/2013

RAKESH KUMAR

..... Petitioner

Through Mr.Ravi Gupta, Sr. Advocate with
Mr.V.P.Rana and Mr.Sachin Jain and
Mr.Kartik, Advocates.

versus

GOVT. OF NCT DELHI & ORS

..... Respondents

Through Mr.Naushad Ahmed Khan, ASC
along with Ms.Astha Nigam and
Ms.Neelam Kholiya, Advocate for
GNCTD/R-1.
Mr.N.K.Aggarwal, Advocate for legal
heirs of R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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31.08.2016

Petitioner is aggrieved by the orders dated 24.02.1999 passed by the Consolidation Officer which have been taken in an appeal before the Settlement Officer who had endorsed the order passed by the Consolidation Officer; the Deputy Commissioner (higher in hierarchy) vide is order dated 24.10.2013 had again endorsed the finding of the Consolidation Officer and the Settlement Officer. The contention raised by the learned senior counsel for the petitioner is that the he had not been heard by either of the aforementioned authorities.

In the course of the arguments, learned counsel for the

respondent no.2 has drawn attention of this Court to an order passed by the Consolidation Officer on 04.6.2012 which was passed in terms of a direction given by a Bench of this Court in WP (C) 2155/2011 decided on 11.11.2011 vide which it has been directed that the objections of Rakesh Kumar (petitioner) would be considered. Vide order dated 04.6.2012 the Consolidation Officer had decided these objections of Rakesh Kumar (petitioner) on merits. Against this order, admittedly, a revision petition has been filed before the Financial Commissioner which is fixed for hearing in September, 2016.

Learned counsel for the respondent no.2 points out that two parallel proceedings had been initiated by the petitioner against the original order of consolidation passed by the Consolidation Officer on 24.02.1999 (the first set of litigation). The factual position is correct. The petitioner has challenged the order passed by the Consolidation Officer dated 24.02.1999 by filing an appeal before the Settlement Officer who had endorsed the finding of the Consolidation Officer. The District Magistrate vide his order dated 24.10.2013 had also reaffirmed that order. This writ petition has assailed the order dated 24.10.2013.

This Court notes that the second set of proceedings which had also been initiated against the order of the Consolidation Officer dated 24.02.1999 and had resulted (after a series of litigation) in the matter being remanded back to the Consolidation Officer who vide his order dated 14.6.2012 (in terms of the directions of a Bench of this Court in WP (C) 2155/2011) had dismissed the objections of the petitioner on

merits and against which at the cost of repetition the Financial Commissioner is seized of the matter in a revision petition.

Needless to state that the Financial Commissioner will decide the case on merits and the averments in the present writ petition will also be considered by the Financial Commissioner, if they are so argued before him.

No further orders are called for in this petition.

Counsel for respondent no.1 states that cost will be paid within an outer limit of three days.

Petition disposed of.

INDERMEET KAUR, J

AUGUST 31, 2016

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