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

\+ W.P.(C) 6422/2016

AMIT BANSAL & ANR ..... Petitioners

Through Mr.Y.K.Kapur, Advocate.

versus

GOVT. OF NCT DELHI & ORS ..... Respondents

Through Ms.Jyoti Taneja, Advocate for GNCTD.
Mr.Yeeshu Jain, Advocate for R03.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

O R D E R

% 25.07.2016

The prayer made in the present petition is seeking a redressal of the grievance against the order passed by Revenue Assistant on 28.3.2016. Vide this order mutation of the subject land was carried out in the name of Sant Ram (respondent no.4), Rakesh Kumar (respondent no.6) and Sashi (respondent no.7). The petitioner is aggrieved by this by order. His submission is that this order came to be passed by the Revenue Assistant pursuant to certain misstatements of fact which were noted by a Bench of this Court on 01.7.2013 while disposing of W.P.(C) No.2745/2013 *Sant Ram Vs. Government of NCT of Delhi and Ors.* Submission being that no notice of that petition has been issued to the respondent. Petitioner (Sant Ram) in that case had made a misrepresentation to the Court and had got an order which was to the effect that the proceedings pending before the Revenue Assistant be decided expeditiously; the submission of the petitioner in that petition was that the order passed by the Financial Commissioner on 07.4.1997 had allowed his revision petition and the matter stood remanded back to the Revenue Assistant but the Revenue Assistant had not decided the matter expeditiously. Accordingly a direction was given vide order dated 01.7.2013 to dispose of that matter expeditiously.

It was pursuant to the order passed on 01.7.2013 that the subsequent order dated 28.3.2016 came to be passed by the Revenue Assistant.

Learned counsel for the petitioner submits that this is a clear case where fraud has been played upon the Revenue Authorities and they have been misled. His submission is that on 07.4.1997 when the Financial Commissioner passed an order the petitioner before him was one Smt. Santosh. She was in fact an imposter and not the mother of the present petitioner. This could not be brought to the notice of the Financial Commissioner and order dated 07.4.1997 came to be passed. Petitioner was not served with the notice of that petition; proceedings under Section 340 Cr.P.C. had also been initiated; submission is that pursuant to the aforenoted proceedings chargesheet under the relevant provisions of law i.e. Sections 173, 181, 182, 191, 196 and etc. of the IPC had also been prepared and charges for that offences have also been framed against those persons i.e. respondent nos.3 and 4.

Additional submission being that the petitioner had also filed an application before the Financial Commissioner seeking a recall of the order dated 07.4.1997 which is yet pending before the Financial Commissioner. The apprehension of the petitioner is that that application may become redundant as the order had been passed by the Revenue Assistant on 28.3.2016 (pursuant to a direction given passed by this Court) may come in the way of the Financial Commissioner. His submission that since a fraud has been played upon the court the entire order dated 28.3.2016 would be nullity.

These facts as noted may be brought to the notice of the Financial Commissioner before whom admittedly an application seeking recall of his order dated 07.4.1997 is pending.

The petitioner is also at liberty to separately and independently challenge the order dated 28.3.2016 passed by the Revenue Assistant. This may be done in accordance with law.

Needless to state that the Financial Commissioner shall expedite the hearing of the matter.

With these directions petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

JULY 25, 2016
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