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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 3812/2015**  
**SULTAN SINGH**

..... Petitioner

Through Mr.Vijay Singh, Advocate.

versus

**GOVT. OF NCT DELHI & ORS**

..... Respondents

Through Mr.Naushad Ahmed Khan, Addl.  
Standing Counsel for the GNCTD.

**CORAM:**  
**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

% **05.08.2016**

Petitioner is aggrieved by the fact that 5 biswas of land in Khasra No.334/2, Village Holambi Khurd, Delhi which had already stood allotted to him vide Resolution dated 25.10.1985 has still not been handed over to him. He has accordingly approached this Court.

This writ petition had been filed in the year 2015. Admittedly, in this intervening period i.e. in between the Resolution dated 25.11.1985 upto 13.4.2015 i.e. a time gap of more than 35 years no action has admittedly been taken by the petitioner.

Even otherwise, this Courts notes that petitioner is only placing reliance upon the Resolution dated 25.10.1985 (giving allotment of 5 biswas of land). For this purpose, reliance has been placed upon para 71 of the page 51 of the paper book which clearly states that the formal approval of the Competent Authority is yet to be taken; it has

not yet been offered.

Learned counsel for the respondent on this score submits that a resolution by itself does not create any vested right in favour of any person unless the resolution is approved by the BDO followed by the approval of the Lt. Governor. This resolution cannot get a statutory character and in the absence of such an approval no right can be vested with the petitioner.

This position is admitted. It is not in dispute that the Resolution even if it is in favour of the petitioner, it does not by itself create any right in favour of the petitioner. Annexure H-1(Page 51 of the paper book) states that the Competent Authority has not yet granted any approval.

This Court also notes that this writ petition has been preferred by one Jai Ram. He is admittedly not the owner of this property. He is placing reliance upon a power of attorney purported to have been executed by the original owner Sultan Singh on 07.4.2015. This litigation preferred by Jai Ram (power of attorney holder of Sultan Singh) who is now a dead man as on date. The legal representatives of Sultan Singh were brought on record on an application filed by the Power of Attorney holder (Jai Ram) as this application remained unopposed.

This Court is of the view that that this proxy litigation on behalf of Sultan Singh is being pressed without any merit (there being not a single document in favour of the petitioner which would entitle him to continue with this litigation as the resolution by itself admittedly does not create any right in favour of the petitioner) even otherwise this

litigation is being pursued on the strength of power of attorney which has been executed by deceased in his lifetime and now has come to an end on the death of Sultan Singh. This litigation is also admittedly not being brought forth by his children but by this power of attorney holder. The Court is suspicious about the antecedents of the litigation. It appears that the dockets of this court if allowed to be filled in with this kind of useless and meritless litigation, it will not only overflow but also will become wholly unmanageable. These proxy litigations are not permitted.

That apart at the cost of repetition, the merits of the case disclose that there is not a single document in favour of the petitioner which allows him to continue with this litigation. This petition is an abuse of the process of the court. It is dismissed with costs of Rs.10,000/-.

**INDERMEET KAUR, J**

**AUGUST 05, 2016**

**ndn**