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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ LPA 475/2016
BILLU RAM

..... Appellant

Through Mr N.K. Sahoo, Adv.
versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through Mr Sri Harsha Peechara, Mr
Mananjay Kumar Mishra and Mr
Narayan Kumar, ALD, NDMC

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 29.08.2016

CM 3964-30965, 30967/2016 (exemption)

Exemption allowed subject to all just exceptions.

The applications stand disposed of.

LPA 475/2016 & CMs 30963/2016 (delay) and 30966/2016 (directions)

During the course of hearing, it is pointed out to us that the appellant herein had filed a writ petition being W.P.(C) No. 3139/2016 titled "*Billu Ram v. New Delhi Municipal Council*" which was disposed of vide order dated 08.04.2016.

The appellant herein had then filed the LPA No.319/2016 which was disposed of vide order dated 23.05.2016 recording as under:

"It is submitted by the learned counsel for the parties that the present cases are covered by the decision dated 18.05.2016 in LPA 136/2016 titled Bhola Ram Patel vs. New Delhi Municipal Council and Anr. and other connected matters.

Both these appeals are accordingly disposed of in terms of the directions made in the said judgment dated

18.05.2016.”

Learned counsel for the respondent – NDMC submits that the appellant herein has filed a contempt petition alleging violation of the said order. This fact is accepted and admitted by counsel for the appellant.

It now transpires that the appellant was named in the list of 160 persons who had filed W.P.(C) No.1515/2016 titled “*Akhilesh Kumar & Ors Vs. New Delhi Municipal Council & Ors*”. This writ petition was dismissed vide order dated 19.02.2016.

The appellant claims that he was not aware of his name being included in the list of 116 persons, who were the co-petitioners in W.P.(C) No.1415/2016. He submits that he has filed the present appeal as it has been brought to the appellant’s notice that his name was included in the list of co-petitioners in W.P.(C) No.1415/2016. This he submits creates confusion and debate about the order applicable and to be followed in case of the appellant.

The appellant as well as of the respondent are to be blamed for what has happened. The appellant ought to have ascertained full facts when he had filed W.P.(C) No.3139/2016 or could have moved a review petition in W.P.(C) No. 1415/2016 or filed an appeal questioning the decision dated 19.02.2016. It was also open to the respondent – NDMC to point out the relevant facts when W.P.(C) No.3139/2016 was taken up for hearing and when LPA No.319/2016 was disposed of vide order dated 23.05.2016.

We would not like to create and compound this confusion. The order dated 19.02.2016 was challenged in Letters Patent Appeals by some of the co-petitioners in the W.P.(C) No. 1415/2016. The said appeals have been disposed of in terms of the directions given in the decision dated 18.05.2016 in LPA No.136/2016 titled “*Bhola Ram Patel vs. New Delhi Municipal Council and*

Anr". Order dated 23.05.2016, hold and directs that the decision dated 18th May, 2016 would apply to the appellant.

In view of the aforesaid facts, we hold and observe that the order dated 23.05.2016 passed in LPA No.319/2016 would govern the case of the present appellant.

The application for condonation of delay in filing the LPA will be treated as allowed.

With the aforesaid observations, we dispose of the present appeal.

SANJIV KHANNA, J

SUNITA GUPTA, J

AUGUST 29, 2016/*rd*