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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8274/2016**
MUKHTIYARI DEVI AND ORS Petitioners

Through Mr. R. K. Saini, Advocate
versus
GOVT OF NCT OF DELHI AND ORS Respondents
Through Mr. Rahul Sharma and Mr. C.K.Bhatt,
Advocates for R-1 to R5

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **04.11.2016**

CM No. 40730/2016 (Delay)

In view of the averments made in the application delay of 5 days in filing of the review petition is condoned.

Application disposed of.

Review Petition No. 481/2016

Petitioner is seeking review of the order dated 19.09.2016. His submission is that the order passed by the Tehsildar on 23.08.2016 was not an order under section 22(1) of Delhi Land Revenue Act, 1954. This submission as noted in the order dated 19.09.2016 was inadvertently recorded. He has obtained legal opinion on this point. His submission is that this order is thus liable to be reviewed. Additional submission is that his client does want to approach the revenue authorities; the rigmarole of filing an appeal under section 64(1)(b) of the said Act which as per his legal opinion is not maintainable.

On advance notice counsel for the respondent has put in

appearance. His stand is that this is malafide application which has been filed by the petitioner. Petitioner is taking Court for granted. His submission that on the last date this Court while passing the order dated 19.09.2016 Court had noted that there was no limitation left with the petitioner (except one day) for filing his appeal under section 64 (1)(b) of the said Act; this Court had adopted a sympathetic approach and had granted him two weeks extension to prefer his appeal. Submission of the respondent being that the petitioner not having availed of this facility has now come up with this application seeking a review of the order dated 19.06.2016.

This Court is in agreement with the submission of the counsel for the respondent. The order dated 23.08.2016 has been perused. This order has been passed by the Tehsildar under Section 22(1) of the said Act. Such an order is appealable under Section 64(1)(b) of the said Act. This is again clear from the language of Section 64(1)(b) of the said Act. This Court also reiterates the earlier legal position which was recorded in order dated 19.06.2016. The petitioner has missed the bus by not availing of the extended time period and has now rushed to the Court for a review of the order dated 19.09.2016. This Court notes that this application is without any merit. Same is dismissed with cost quantified with Rs. 10,000/-

INDERMEET KAUR, J

NOVEMBER 04, 2016/gb