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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9012/2014, C.M. No.20582/2014 & C.M. No.16242/2016
BIRENDER SINGH NEGI & ORS

..... Petitioner

Through Mr. V.P. Rana, Adv.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Naushad Ahmed Khan, ASC with
Ms. Astha Nigam, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **26.08.2016**

The petitioner is aggrieved by an order passed by the SDM dated 08.05.2014. This order was passed in proceedings under Section 81 of the Delhi Land Reforms Act. This was qua an agricultural land in khasra Nos.135/6, 135/7/1, 135/14/3 and 135/15 situated in the Revenue Assistant at village Burari, Delhi. This Court is not delving into the merits of the order passed by the SDM; on a candid query to the learned counsel for the petitioner as to whether this order is assailable before the higher authorities i.e. Deputy Commissioner; his answer is in the affirmative. Further contention of the petitioner is that this order was passed by the SDM without hearing the petitioner and as such a review petition alone would be maintainable.

On this count, learned counsel for the respondents submits that the petitioner was not a necessary party before the SDM/Revenue Assistant and that is why notice was not issued to him. It was not necessary for him to be notified.

Per contra, learned counsel for the petitioner has placed reliance upon an agreement to sell dated 04.07.2010 purported to have been executed by Rakesh Kumar (power of attorney holder of Somdutt and his son) alleging that he has purchased this land from Rakesh Kumar and as such his submission is that he should also be heard by the SDM before an order is passed.

This petition is accordingly disposed of with a direction to the SDM to consider the case as set up by the petitioner. The same shall be heard on merits and disposed of in accordance with law.

No further orders are called for on this petition. It is disposed of.

INDERMEET KAUR, J

AUGUST 26, 2016

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