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

+ LPA 931/2015

M/S MUNSHI RAM RAM NIWAS & ANR Appellants

Through: Mr.S.K.Sinha, Adv.

Versus

GOVERNMENT OF NCT DELHI & ORS Respondents

Through: Mr.Anuj Agarwal, ASC for R-1 to 3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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11.01.2016

C.M.No.31411/2015 (delay in filing).

In view of the facts and circumstances explained in the application, delay of 3 days in filing the appeal is condoned and the application is disposed of.

LPA 931/2015

1. The unsuccessful petitioners in W.P.(C) No.10365/2015 are the appellants before us.
2. The said writ petition was filed with a prayer to compensate the petitioners for the alleged unlawful and illegal confiscation of *khandsari* on 09.12.1980 and 12.10.1984 from Shop No.2092, Narela Mandi, Delhi and for illegally depriving the petitioner No.2/appellant No.2 herein to carry on trade and business in *khandsari*.
3. Having taken note of the fact that the proceedings initiated under the Essential Commodities Act, 1955 resulting in seizure and confiscation in question had ultimately culminated in SLP (C) No.2870/2007 before the

Supreme Court which was withdrawn by the appellants herein on 06.07.2009 stating that they intend to file a suit for damages in accordance with law, the learned Single Judge declined to entertain the writ petition observing that the claim is barred by time.

4. We have heard the learned counsel for the appellant and perused the material available on record. Since the relief sought in the writ petition is nothing but a money claim and, moreover, apparently there is inordinate delay, we entirely agree with the learned Single Judge that it is not a matter which can be entertained under Article 226 of the Constitution of India.

5. The appeal is accordingly dismissed.

CHIEF JUSTICE

JAYANT NATH, J

JANUARY 11, 2016/‘anb’