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

+ **W.P.(C) 687/2013**

RADHEY SHYAM JHA AND ORS Petitioners
Through: Mr. Kuldeep Kumar, Advocate

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Anurag Ahluwalia, CGSC for R-1.
Ms. Shobhana Takiar, Advocate for R-2/DDA.
Mr. Parvinder Chauhan, Standing Counsel with
Mr. Pranav Handa, Advocate for R-4/DUSIB.
Mr. Kanwal Chaudhary, Advocate for R-7.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **16.01.2017**

CM APPL. 34549/2016 (for rectification of the order dated 18.03.2014)

1. The present application has been filed by the petitioners for correction of the order dated 18.03.2014, limited to the extent of correctly describing the plot, subject matter of the petition.
2. Notice was issued on this application on 04.11.2016, on which date counsels for the respondent No.1/UOI, respondent No.4/DUSIB and respondent No.7 were present. None was present on behalf of the respondent No.2/DDA on the last date of hearing.
3. None of the respondents have filed a reply in opposition to the present application.
4. Counsels for the respondent No.2/DDA, respondent No.4/DUSIB and

respondent No.7 state today that they have no objection to the present application being allowed as the correction sought by the petitioners is formal in nature.

5. Pertinently, the petitioners have also impleaded respondents No.5 and 6, the ACP and SHO of the area. However, counsel for the petitioners states that no relief has been prayed for against the said respondents. Similarly, he submits that no relief has been prayed for against the respondent No.1/UIO.

6. Learned counsel for the respondent No.2/DDA refers to Annexure R-3 filed by the respondent No.7 alongwith his counter affidavit dated 19.08.2013 to clarify that the subject plot has not been assigned any number by the DDA. Counsels for the parties state that it is in this background that correction in paras 4, 5 and 6 of the order dated 18.03.2014 has been prayed for.

7. Accordingly, the present application is allowed by clarifying that the respondent No.7 is an allottee of plot No.50/4, Block No.II, WHS Industrial Area, Kirti Nagar, New Delhi, measuring 124 sq. meters. Additionally, the respondent No.2/DDA had approved allotment of an additional parcel of land to the respondent No.7 that is adjacent to the said plot, which has not been assigned any specific number.

8. In view of the submission made by the counsels for the parties, who jointly request that the error in the order dated 18.3.2014 be rectified in so far as the description of the subject plot is concerned, it is directed that wherever the subject plot has been mentioned in paras 4, 5 and 6 of the said order, it shall be described as follows:-

“Plot adjacent to plot No.50/4, Block No.II, WHS Industrial Area, Kirti Nagar, New Delhi.”

9. The second relief prayed for by the petitioners is for dismissal of the writ petition. Mr. Kuldeep Kumar, learned counsel for the petitioners states that during the pendency of the present petition, the petitioners and the respondent No.7 have arrived at an out of court settlement and therefore, they do not wish to pursue the petition any further.

10. Accordingly, the present petition is disposed of alongwith the pending application.

JANUARY 16, 2017
rkb/mk/ap

HIMA KOHLI, J

