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

+ **W.P.(C) 5420/2016 & C.M.No.22574/2016**

MAHENDER SINGH

..... Petitioner

Through Mr.Anil Goel, Adv with petitioner-in-person.

versus

MANOJ KUMAR AND ORS

..... Respondent

Through None.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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04.04.2018

Vide the present petition, the petitioner has challenged the order dated 28.07.2015 passed by the learned Financial Commissioner, whereby his request for mutation had been rejected.

The writ petition was premised on a decree passed by the Civil Judge, Tis Hazari Court holding the petitioner to be owner of the suit land.

Learned counsel for the petitioner submits that upon appeal by the respondents, the said decree has been set aside and though the petitioner has already filed a R.S.A., the decision therein is likely to take some time. He, therefore, seeks leave to withdraw the present petition with liberty to approach the Court again, in case, he succeeds in getting a declaration of title in his favour.

The writ petition alongwith pending application is dismissed as withdrawn with liberty as prayed for.

REKHA PALLI, J

APRIL 04, 2018

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

+ **W.P.(C) 3227/2018**

SH. BRATDHAR RAMANUJ JIYAR SWAMI (TRIDANDI JI MAHARAJ) Petitioner

Through: Ms.Suman Chauhan, Adv. with
petitioner in person.

versus

THE ELECTION COMMISSION OF INDIA AND ANR. Respondents

Through: Mr.P.R. Chopra, Adv. for R-1.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
04.04.2018

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1. Vide the present petition, the petitioner, a Member of the Akhil Bharat Hindu Mahasabha (ABHM), which is claimed to be one of the oldest organisations of the country having been registered as a society under the Societies Registration Act on 19.12.1917 at Lucknow is inter alia praying for a direction to the respondent no.1 to enforce compliance of Section 29-A(9) of the Representation of People Act, 1951 (hereinafter referred to as 'the Act') by respondent no.2. The petitioner further seeks a direction to respondent No.1 to resolve the disputes prevailing in the respondent No.2 for the purpose of compliance of Section 29-A(9) of the said Act by holding an appropriate inquiry.

2. Learned counsel for the petitioner submits that even though the petitioner has made a specific representation dated 13.08.2013 to respondent No.1, requesting the respondent No.1 for recognizing the new Executive Committee of the ABHM, the said representation has remained unanswered till date. She draws my attention to a RTI reply dated 14.10.2013 and submits that as per her information, the position which was existing on 14.10.2013 continues till date, and the respondent No.1 has not responded to the petitioner's representation dated 13.08.2013.

3. Ms.Chauhan further relies on a decision of the Allahabad High Court dated 03.01.2017 passed in the case of ***Apna Dal Through its National President Smt.Krishna Patel & Anr. Vs. Election Commission of India Nirvachan Sadan Ashok Road & Anr.*** in ***Misc. Bench No.4425/2016*** to contend that the Allahabad High Court has, upon a petition filed by registered unrecognised political party, after examining the scheme of the Act, in similar circumstances, remanded the matter to respondent No.1 with a direction to determine its own jurisdiction in the matter to deal with requests of registered unrecognised political parties, by passing a reasoned order. She submits that at this stage, the petitioner would be satisfied if the respondent No.1 is directed to dispose of the petitioner's representation by passing a reasoned and speaking order, after duly considering the effect of the decision of the Allahabad High Court in the case of ***Apna Dal (supra)***.

4. Mr.P.R. Chopra, learned counsel, who appears on advance notice, for respondent No.1 assures the Court that, in case, the

petitioner's representation dated 13.08.2013 has not been decided till date, the respondent No.1 would dispose of the same within four weeks after duly considering the effect of the aforesaid decision dated 03.01.2017, passed by the Allahabad High Court in *Apna Dal Through its National President Smt.Krishna Patel (supra)*.

5. The petition is accordingly disposed of with a direction to the respondent No.1 to decide the petitioner's representation dated 13.08.2013 within four weeks, if not already decided. A copy of the decision taken by respondent no.1 on the petitioner's representation dated 13.08.2013 would be communicated to him immediately thereafter.

6. Needless to say that in case the petitioner is aggrieved by the order passed by the respondent No.1 on his representation, it will be open for the petitioner to take appropriate legal recourse as permissible under law.

REKHA PALLI, J

APRIL 04, 2018
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