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

+ **LPA 613/2018**

**RAMESH MALIK**

..... Appellant

Through: Mr. P. Chaudhary, Advocate.

versus

**UNION OF INDIA & ANR**

..... Respondents

Through: Mr. Bhagvan Swarup Shukla, CGSC  
with Mr. Kamaldeep and Mr. Shravan  
Kumar Shukla, Advocate for UOI.  
Mr. Yeeshu Jain, Standing Counsel  
with Ms. Jyoti Tyagi, Advocate for  
Respondent No.2.

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE SANJEEV NARULA**

**ORDER**

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**14.11.2018**

**CM Appl. Nos. 44960-44961/2018**

1. For the reasons stated in the applications, the delay in filing and re-filing the appeal is condoned and the applications are disposed of.

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2. This appeal is directed against an order dated 4<sup>th</sup> July, 2018 passed by the learned Single Judge dismissing the Writ Petition (Civil) No. 3390/2013 in which the main prayer was for direction to the respondents to be in a vacant and physical possession of agricultural land admeasuring 25 bhigas in

aggregate, situated at Village Jharoda, Majra Burari, Delhi.

3. The background facts are set out in detail in the impugned judgment of the learned Single Judge. The Appellant is claiming title to the land in question through a will in his favour by one Shri Ram Lal, who in turn claimed title through the original allottee Shri Inderbhan, to whom the land was allotted by the Government of India way back on 30<sup>th</sup> September, 1959 under the Scheme for Rehabilitation of displaced persons from Pakistan and in terms of the Displaced Persons (Compensation and Rehabilitation) Act, 1954. According to the Appellant, on 22<sup>nd</sup> September, 2006, Shri Ram Lal executed in favour of the Appellant a Will which was registered with the Sub-Registrar, Meerut. Apparently, the plea for being restored possession of the land was made by him from 9<sup>th</sup> October, 2006 onwards.

4. It has been noted by the learned Single Judge in the impugned judgment that the son of Shri Ram Lal had earlier approached this Court by way Writ Petition (Civil) 9485/2007, seeking the relief of being restored the possession of the land in question. That writ petition was rejected by another Single Judge of this Court on 23<sup>rd</sup> February, 2010. Thereafter on 12<sup>th</sup> April, 2010 the Division Bench dismissed the LPA No. 234/2010 thereby affirming the order dated 23<sup>rd</sup> February 2010 of the Single Judge. These facts were, however, not disclosed by the present Appellant when he filed W.P. (C) 3390 of 2013.

5. The learned Single Judge was not satisfied with the explanation offered by the Appellant as regards the delay in approaching the Court. Indeed, the

learned counsel for the Appellant is also not able to satisfy this Court about his having taken so many years to approach the Court. This is not a case where the Appellant can be said to be unaware of his right and therefore unable to approach the Court. Further, the impression gathered by the Court is that a matter which is purely of a civil nature, involving disputed questions of fact, was sought to be agitated by way of a writ petition instead of seeking remedy in civil proceedings.

6. Having heard the learned counsel for the parties, the Court is satisfied that no legal error was committed by learned Single Judge in dismissing the Appellant's writ petition.

7. No ground is made out for interference. The appeal is dismissed.

**S. MURALIDHAR, J.**

**SANJEEV NARULA, J.**

**NOVEMBER 14, 2018**

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