

\$~11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 531/2017, CM APPL. 28160-28161/2017, 4672/2018

SULTAN SINGH (THR LRS) & ORS Appellants
Through Mr. Siddharth Aggarwal, Mr. Faraz
Maqbool and Ms. Rupal Samuel,
Advs.
versus

BHIM SINGH & ORS Respondents
Through Mr. Kamlesh Jha, Adv. for R-1 to
R-5.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **12.02.2018**

We have heard the ld. Counsel for the parties. The appellants' grievance is that the impugned orders to the extent it forecloses their rights to question the correctness of the Lieutenant Governor's order dated 14.1.2015, is incorrect and not justified.

The cause which led to the appellant to approach this Court in the writ proceedings was that the contesting respondent's revision petitions questioning the orders of the Revenue Authorities (Dy. Commissioner – North West) were allowed. This resulted in the cancellation of land allotted to them. The appellants preferred a writ petition-perhaps unaware that one of the contesting respondents had by then passed away. Upon becoming aware, instead of applying to the Court to substitute the heirs as legal representatives and moving an appropriate application, they preferred an application to withdraw the writ petition on the ground

that certain formal defects existed. The ld. Single Judge allowed the application, but, did not grant the liberty to approach the Court afresh.

After hearing the counsel for the parties, we are of the opinion that since the appellants had already approached the Court and intimated about the demise of the contesting respondents by filing a suitable application-though incomplete, they could not be said to have abandoned the right to sue. Furthermore, all that they sought in their application was the withdrawal of the writ petition, but, conditional upon their being granted the liberty to move the Court afresh. In these circumstances, ld. Single Judge's refusal to grant the liberty was not correct in the overall circumstances. The appeal is accordingly allowed. All pending applications stand disposed off.

The appellants are at liberty to approach the Court afresh in writ proceedings impugning the said order of the Lieutenant Governor (dated 14.1.2015) in Revision Petition 5/1999, provided, they do so within three weeks from today. All rights and contentions of the parties are reserved including the right of relying upon subsequent events.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 12, 2018

rc