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

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Date of decision: 24.08.2020

+ **CONT. CAS(C) 1013/2019**

BIHARI LAL JANGIR

..... Petitioner

Through

Mr. J.P. Sengh, Sr. Advocate with
Mr. Sandeep Khatri, Advocate

versus

DEBASIS BISWAL AND ORS.

..... Respondents

Through

Mr. Shlok Chandra, Ms. Mansie
Jain and Mr. Chandratany
Chaube, Advocates for R-1 with R-
1 in person

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

Hearing has been conducted through Video Conferencing.

CM 16740/2020

1. Present Contempt Petition has been filed by the Petitioner alleging willful / intentional disobedience of the order passed by the Division Bench of this Court on 30.05.2019 in W.P. (C) 5103/2019. The operative part of the order reads as under :-

“2. It is seen that the SDM has passed the order dated 26th April 2019 pursuant to the earlier order passed by this Court on 10th January 2019. The SDM will now proceed to dispose

of the pending applications of the petitioner in accordance with law, not later than three months from today.”

2. Mr. Singh learned Senior Counsel for the Petitioner draws the attention of the Court to the Status Report filed by the concerned SDM on 09.01.2020, relevant paras of which read as under :

“11. That the undersigned, after considering and perusing the entire material placed on record by all the concerned parties as well as after hearing the arguments gave its finding vide a report dated 26.04.2019 whereby the applicant / petitioner is found owner of the property in dispute. However, the undersigned inadvertently failed to dispose of pending applications of the applicants in terms of finding arrived vide report dated 26.04.2019 despite passing of detailed reasoned order, thereby recording each and every plea of the parties and my conclusion / decision to the said pleas. That the undersigned thereafter returned the entire record alongwith the order dated 26.04.2019 to this Hon’ble Court in compliance of order dated 10.01.2019 passed by this Hon’ble Court in WP(C) No. 3702 of 2016 titled as “BIHARI LAL JANGIR VS. LAND ACQUISITION COLLECTORS & ORS.”

12. That in view of the aforesaid bonafide inadvertent mistake of the undersigned, the petitioner herein filed another writ petition bearing no.5103 of 2019 before this Hon’ble Court. That this Hon’ble Court vide order dated 30.05.2019 directed the undersigned to dispose of the pending applications of the petitioner herein within three months in terms of its finding arrived vide order dated 26.04.2019.

18. That in view of the aforesaid developments when the undersigned expressed his intent to the respondent no.2 and 3 herein that since the parties other than the petitioner herein i.e. (Sh. Bihari Lal Jangir) has failed to provide any document of their ownership over the property in dispute, the mutation in the name of petitioner herein may be carried out and the demarcation may be done accordingly.

25. That in view of the aforesaid factual position the order dated 30.05.2019 passed in WP(C) 5103 of 2019 is not complied with and undersigned seeks three weeks more time to comply to the said order.”

3. Pursuant to the orders passed by this Court in the present Contempt Petition, Mr. Debasis Biswal, SDM (Shahdara) is present in Court. He submits that he has filed an Additional Status Report and in compliance with the directions of the Court has already rendered a decision declaring the Petitioner as the owner of property being Khasra No.58 admeasuring 19 Bigha 13 Biswas, situated at Village Jafrabad. He draws the attention of the Court to the Status Report to this effect, relevant para of which reads as under :-

“7. That the undersigned, after considering and perusing the entire material placed on record by all the concerned parties as well as after hearing the arguments gave its finding vide a report dated 26.04.2019 whereby the applicant / petitioner (Sh. Bihari Lal Jangir & Ors.) is found owner of the property i.e. property measuring 19 Bigha 13 Biswas falling in Khasra No.58, situated at Village Jafrabad. That the undersigned thereafter returned the entire record alongwith the order dated 26.04.2019 to this Hon’ble Court in compliance of order dated 10.01.2019 passed by this Hon’ble Court in WP(C) No.3702 of 2016 titled as “BIHARI LAL JANGIR VS. LAND ACQUISITION COLLECTORS & ORS.”

4. Mr. Biswal seeks a direction from this Court to declare the Petitioner as the owner of the said property.

5. Mr. Sengh learned Senior Counsel for Petitioner responding to the submission of Mr. Biswal submits that in the Additional Status Report, the SDM has clearly stated that ownership of the said property has been

ascertained in favour of the Petitioner, vide his report dated 26.04.2019. He argues that in view of the above, the prayer, seeking directions from the Court in a contempt petition to declare the Petitioner as owner, is completely misconceived. He further submits that after the ownership has been ascertained, the SDM is required to carry out the demarcation and mutation of the property and unnecessary delay is being caused in taking this consequential action.

6. At this stage, Mr. Biswal submits that he may be granted a period of eight weeks within which he shall carry out mutation as well as demarcation of the property in question.

7. In view of the assurance given by Mr. Biswal, no further orders are required to be passed in the present application which is accordingly disposed of. Needless to state that the mutation and the demarcation of the property shall be carried out within a period of eight weeks as undertaken by Mr. Biswal.

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8. Contempt Petition is disposed of in view of the orders passed as aforesaid in the Application. Date of 24.09.2020 is hereby cancelled.

9. Mr. Debasis Biswal tenders unconditional apology for non appearance on the previous dates. The same is hereby accepted.

JYOTI SINGH, J

AUGUST 24, 2020 /yg