

\$~A-42

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

+ W.P.(C) 289/2020

SHRI BADAL AND ORS.

..... Petitioners

Through Rubanshi Sharma and Ms.Pooja
Dhingra, Advs.

versus

GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through Mr.Sameer Vashisht, ASC (C),
GNCTD with Ms.Urvi Kapoor, Adv.
for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **10.01.2020**

1. This writ petition is filed seeking following reliefs:

“a) To issue a writ of certiorari or any other appropriate, writ or direction which this Hon'ble Court may deem fit be issued in favour of the petitioners and against the respondents civil writ petition under articles 226 & 227 of the Constitution of India whereby the respondents be called upon to bring the record in respect of action taken under section 33 of delhi reforms acts in respect of the sale deeds dated 21.9.2007 and 14.12.2007 executed in response of no-objection certificate issued vide no. DC/SOUTH-WEST/NOC/3929 dated 6.9.2007 and no-objection issued vide DC /SOUTH-WEST/NOC/3930 dated 6.9.2007, both revalidated upto 29.11.2007.

b) To issue a writ of mandamus to complete the action as per section 33 of Delhi reform act and declare both the no objection certificates issued vide no. DC/SOUTH-WEST/NOC/3929 dated 6.9.2007 and no-objection issued vide DC /SOUTH-WEST/NOC/3930 dated 6.9.2007, both revalidated upto

29.11.2007 be declared illegal & having no force in law.”

2. A perusal of the writ petition shows that facts and submissions as pleaded are inchoate. As per the writ petition, the petitioners are the owners and in possession of 4 bighas and 16 biswas in khasra No.60/18; and 1 bigha and 16 biswas in khasra No.60/23 in Village Bijwasan, New Delhi since time immemorial.

3. An order was passed by the Revenue Assistant on 05.05.2006 whereby the petitioners were directed to convert the area for agricultural purposes as they have made construction on that said land. On 05.03.2007, it is pleaded that the Revenue Assistant dropped the proceedings under section 81 of the Delhi Land Reforms Act, 1954(*hereinafter referred to as the ‘DLR Act’*). Subsequently, the respondents preferred an appeal before the Deputy Commissioner and the whole land was directed to vest with the respondents. A revision petition was filed under section 187 of the DLR Act. It is not stated what happened to the said revision petition. It is then pleaded that in these circumstances, the petitioners preferred writ petitions being W.P.(C) 5445/2016 and 5444/2016 challenging the order of the Financial Commissioner dated 09.02.2016. The said two writ petitions are pending disposal.

4. It is further pleaded that the petitioners have filed a civil suit challenging the agreement to sell and GPA dated 31.01.2005 in view of the provisions of section 33 of the DLR Act. There is no clarity with whom these agreement to sell and GPA were executed. The said suit was dismissed by the district court and its appeal was dismissed by this court. Further, an SLP was also dismissed by the Supreme Court. There is reference to the two

sale deeds dated 21.09.2007 and 14.12.2007 said to have been executed on the basis of no-objection applied by some attorneys despite proceedings were going on under section 81 of the DLR Act. No details of the parties to the sale deeds etc. are mentioned.

5. Thereafter, the petitioners filed a writ petition being W.P.(C) 3270/2019. The petitioners filed another writ petition being W.P.(C) 3874/2019 wherein the respondents No.1 to 3 had filed their counter affidavit wherein they stated that they are not aware about the factum of violation of section 33 of the DLR Act in giving no-objection as well as with regard to the execution of the said two sale deeds dated 21.09.2007 and 14.12.2007.

6. The above is the sum and substance of the facts pleaded in the present writ petition. The petition is inchoate and lacks material facts.

7. The learned counsel for the petitioners was requested to explain the basis of which the present writ petition was filed. No appropriate explanation was made. Hence, the present petition is dismissed. Liberty is granted to the petitioners to file a fresh petition with proper/complete facts and averments.

JAYANT NATH, J.

JANUARY 10, 2020/v