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

+ W.P.(C) 4139/2015

JOGINDER SINGH

..... Petitioner

Through Mr.D.K.Rustagi, Ms.Vidhi Jain and
Mr.Vipul Sharma, Advs.

versus

DY. COMMISSIONER (NORTH-WEST) DELHI & ANR.

..... Respondent

Through Ms.Manisha Chauhan, Adv. for
Mr.Naushad Ahmed Khan, ASC (Civil) GNCTD
R-1 and R-2
Mr.V.P.Rana, Mr.Abhishek Gupta, Advs. for
applicant Rani

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **10.01.2020**

CM APPL. No.28505/2018

1. By this application the petitioner seeks an amendment to add additional prayer to the Writ Petition. As per the application the petitioner seeks the following additional reliefs:-

"(b)(i) directing the respondent No.1 and all concerned officials to ensure disposal of the application dated 19.9.2016, a copy of which is already on record at page No. 99, 100, 101 and 102, in a time bound period preferably within 4 weeks."

2. Given the nature of the controversy the present application is allowed.

W.P.(C) 4139/2015

1. This writ petition was filed originally seeking the following reliefs:-

“a) issue appropriate direction/order to the respondents No. 1 & 2, their officials concerned not to assign allotted Plot as per Annexure P-3 No. 693 (300 Sq Yds) in Khasra No. 143, Industrial Area, Extended Lal Dora of Village Kanjhawla, New Delhi having attained finality and stood allotted to the Petitioners either by taking resort to proceeding under Section 24 (2) or under any other pretext whatsoever, and

b) to issue the prescribed entries of field book and shijra containing dimensions as prepared and finalized in 1998 against allotment of plot No. 693 (300 sq yds) in Khasra No. 143 in confirmation of possession delivered at site as per boundaries shown in para 5(v) above or as per layout plan (Annexure P-3) in compliance of Section 23 of the Act and the same to be issued to the petitioners/Bhumidars with original demarcations and as per prescribed procedure of the Consolidation Operations.”

2. The case of the petitioner is that certain proceedings took place for consolidation of land for the extended Lal Dora Village, Kanjhawala, Delhi. Pursuant to the said consolidation, one Shri Rajvir Singh is said to have been allotted industrial plot No.693, in Khasra No.143, Industrial Area, Extended Lal Dora of Village Kanjhawla, New Delhi. In 2008 Shri Rajbir has expired. A mutation order has been passed in favour of SmtKrishna widow of Shri Rajvir and Shri Ajay Dabas his son jointly on 6.9.2010. It is the case of the petitioner that he has purchased the said property from Shri Hari Om in 2013 by General Power of Attorney.

3. Respondents have filed an additional affidavit where a plea has been taken that the petitioner is claiming to have purchased the plot on GPA basis and hence the present petition cannot be considered. Petitioner not being a recorded owner could also not demand the necessary revenue records.

4. Learned counsel for the petitioner states that he confines his relief

only to the prayer which has just been allowed to be added in the Writ Petition and to direct the respondents to dispose of the application dated 19.9.2016, a copy of which is on record of the writ petition. He further states that this application which is filed under section 8 of the Delhi Land (Registration of Transfer) Act, 1972 has been signed by the LRs of the original owner Shri Rajvir and hence cannot be deemed to be a document filed by the petitioner as a Power of Attorney Holder.

5. Learned counsel appearing for the applicants in CM 36871/2017, however, objects to this writ petition. According to the said application it is the applicants who is the lawful owner of the property in question. He also states that civil disputes are pending between the parties and that the applicants have filed a suit for specific performance against the petitioners and the LRs of Shri Rajvir. He also states that the petitioner has also filed a suit against the applicants and LRs of Shri Rajvir. At this stage, learned counsel for the petitioner states that LRs of Late Shri Rajvir are only proforma parties.

6. The relief sought is simple, namely, disposal of the application filed under section 8 of the Delhi Land (Registration of Transfer) Act, 1972. Without prejudice to the rights and contentions of the petitioner and the applicants of CM 36871/2017, let the respondents deal with the application if the same is pending, as per law.

7. Needful be done within two months from today. It is made clear that in case the applicants of CM 36871/2017, namely, Smt.Rani seeks to file any objections to this application she is free to do so within two weeks from today. It is further clarified that any observations made by this court in the present order shall not in any manner prejudice either of the parties in the

pending civil suits.

8. Nothing further survives in this petition. With the above, the petition stands disposed of.

9. Till disposal of the application by the respondents the interim order dated 29.4.2015 shall continue.

JAYANT NATH, J

JANUARY 10, 2020

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