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

% Date of Decision : 10th February, 2021

+ LPA 55/2021

RAVINDER KUMAR & ANR. Appellants

Through: Mr. Praveen Suri, Advocate

versus

DEPUTY COMMISSIONER AND ORS Respondents

Through: Mr. Sameer Vashisht, ASC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

CM Appl. No.5209/2021 and 5210/2021 (Exemptions)

1. Allowed subject to all just exceptions.
2. Application stands disposed of.

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3. Being aggrieved and feeling dissatisfied by an order of the learned Single Judge dated 01.02.2021, original petitioner in W.P.(C) 10688/2018 has preferred the present appeal. The impugned order is at Annexure A-1 to the memo of the appeal. For ready reference, impugned order is reproduced hereunder :-

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“CM Appl. 3379/2021 & CM Appl. 3380/2021

- 1. The hearing was conducted through video conferencing.*
- 2. Subject application, the early disposal of which is sought is coming up for hearing on 15.03.2021 and contempt is listed on 08.04.2021. No ground is made out to prepone the date of hearing.*
- 3. The applications are accordingly dismissed.*
- 4. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.”*

4. We have heard learned counsels for the parties and looked into the facts and circumstances of the case. As per the case set up by the appellant, a plot /land falling in Khasra No. 2/22, Kakrola Village, New Delhi was acquired by the Government for DMRC and a Notification under Section 4 of the Land Acquisition Act was issued on 6.6.1991 followed by a Notification under Section 6 on 6.12.1991. An award bearing No.1/93-94 was passed by the LAC in this regard. The land was purportedly purchased by the appellant No.1 and the other co-owners. Appellant No.1 was occupying the half undivided share of plot nos. 594 and 595, total measuring 240 sq. yards situated in Khasra No.22/2 on 17.10.1991 and the remaining half share belonged to Sh. Roop Kumar. Subsequently, it was realised that Khasra Nos.21/2 and 22/2 were not acquired but khasra nos.2/21 and 2/22 were acquired. The appellants after resorting to the proceedings for correction of the error before the Trial Court, which claim was dismissed vide order dated 4.6.2016, filed a writ petition in this Court being W.P.(C) No. 368/2018 wherein liberty was granted to get the purchase documents corrected as per law and the petition was disposed

of as withdrawn. Thereafter, a notice was issued to the respondents by the appellants to correct the Khasra No. 22/2 to 2/22, Kakrola Village, New Delhi, in the original allotment letter issued by Gaon Sabha. Getting no response from the respondents, a writ petition was filed in this Court, which was disposed of directing the respondents to consider the representation dated 17.07.2018. The said writ petition being W.P.(C) 10688/2018 is pending and from time to time various orders have been passed directing the SDM to file a status report and be personally present.

5. The appellants moved an application being CM No. 3379/2021 for early disposal of the application being CM 29603/2020 as according to them it is affecting their valuable rights. The application was dismissed by the learned Single Judge vide impugned order as the petition was otherwise coming up for hearing on 15.03.2021 and the contempt petition was listed on 08.04.2021 and no ground was made out for preponing the hearing on 01.02.2021 when the application was listed.

6. Learned counsel appearing for the appellants submits that a wrong Khasra number was mentioned in the letter of allotment given by the respondent /Panchayat to the predecessor-in-title of the appellant – Kulbir Singh in the year 1985 and the error has continued even after the property has passed on to the appellants. It is also submitted by the counsel for the appellant that consideration amounting to Rs.45,000/- was paid for the said plot.

7. The petition is still pending before the learned Single Judge and the issues raised therein by the appellants are yet to be adjudicated. By

the impugned order, the learned Single Judge has merely declined to prepone the hearing of an application and the contempt petition as the same were listed on dates which were reasonably short. No right of the parties have been adjudicated by the impugned order. We see no reason to interfere in the discretion exercised by the learned Single Judge in declining to entertain an early hearing application.

8. We may, however, request the learned Single Judge to make every endeavour to hear the petition/applications on the date fixed i.e. 15.03.2021.

9. The appeal is accordingly disposed of in the above terms.

CHIEF JUSTICE

JYOTI SINGH, J

FEBRUARY 10, 2021

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