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

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Date of decision: 19.12.2022

+ **CONT.APP.(C) 1/2022**

**SUB DIVISIONAL MAGISTRATE,
KARAWAL NAGAR**

..... Appellant

Through: Ms.Hetu Arora Sethi, ASC (GNCTD)

Versus

DAL CHAND TOMAR

..... Respondent

Through: None.

CORAM:

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

J U D G M E N T (oral)

1. Present appeal has been directed against the order dated 24.02.2021 passed by learned Single Judge in Cont.Cas(C) 195/2021 titled as “*Dal Chand Tomar vs. Puneet Kumar Patel*”.
2. Counsel for the appellant submits that respondent herein filed a petition being W.P.(C) 4126/2019 seeking directions to appellant herein to demarcate the land bearing Khasra numbers 167, 168, 169, 418 and 455 of the Lal Dora Abadi area of Village Sabha Pur, Chauhan Patti, Delhi and the same was disposed of vide order dated 22.04.2019 on an assurance given by counsel for the appellant herein (respondent therein) that demarcation

exercise would be completed within a period of four months. Appellant informed the agency to which the demarcation process was outsourced about the said order, however, agency apprised that in view of the non-availability of the old records, the demarcation work of the land which is the subject matter could not be carried out on time. Upon the same, appellant issued a circular and various reminders to all the offices of North-east district to search relevant records for the demarcation, however, a 'Not Traceable Report' dated 28.11.2019 was forwarded by office of Tehsildar, Sub-Division, Yamuna Vihar, District North-east. Thereafter, a report/reply to the show cause notice dated 27.12.2019 was filed by revenue officials including Halqa Patwari and Kanungo, Karawal Nagar wherein the Halqa Patwari stated that relevant records were not handed over to him when he was given charge of Patwari and Karawal by the then Patwari, Karawal Nagar and no specific information was given by the concerned official. Thereafter, various communications were held and finally, the agency submitted a demarcation report dated 30.01.2020 before the office of Tehsildar, Karawal Nagar and reported that the demarcation process is complete. The said information was also given to the respondent herein on 18.03.2021.

3. Counsel for the appellant further submits that appellant was designated as Returning Officer for the Legislative Constituency AC-69, Mustafabad and assigned with duties for the election of Legislative Assembly GNCTD, 2020 which were scheduled for 08.02.2020 and thereafter he was also assigned with duties and work of relief and rehabilitation towards the Riot victim of District North-east in the last week

of February, 2020. Also submits that district administration had been assigned with the work of COVID-19 pandemic related lockdown.

4. It is not in dispute that the contempt petition was triggered on account of the purported non-compliance with the order dated 22.04.2019 which required the appellant to carry out demarcation qua the subject property.

5. Hence, the respondent herein had filed a Cont.Cas(C) 195/2021 titled as “*Dal Chand Tomar vs. Puneet Kumar Patel*”. While disposing of the said contempt petition, learned Single Judge observed as under:

“5. The demarcation in terms of the order dated 22.04.2019 has not been carried out. There is default of about 18 months. The exercise ought to have been completed nearly 6 months prior to the COVID-19 pandemic-related lockdown. The petitioner has been constrained to approach the Court, for which expenses would have been incurred. Let a nominal costs of Rs.20,000/- be paid to the petitioner for these proceedings.

6. The learned ASC for the respondent assures the Court that the demarcation exercise shall be completed in next 2 months after deposit of requisite charges by the petitioner. Let the demand in this regard be communicated to the petitioner within 2 weeks from today and the exercise shall be completed in 10 weeks from today.”

6. Hence, the present petition.

7. Vide order dated 07.01.2022, notice was issued to the respondent via all permissible modes. Despite service affected upon the respondent, as is evident from the order dated 01.12.2022 of the learned Registrar, neither anyone appeared nor any reply has been filed on behalf of the respondent. It seems that respondent is no more interested to get order dated 24.02.2021 passed by the learned Single Judge in the case of Cont.Cas(C) 195/2021 titled as “*Dal Chand Tomar vs. Puneet Kumar Patel*” to be implemented.

8. Accordingly, we hereby set aside the said order to the extent that costs of Rs.20,000/- to be paid by the appellant to the respondent (herein).

9. In view of above, the appeal stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(TUSHAR RAO GEDELA)
JUDGE

DECEMBER 19, 2022/ab

