

\$~22

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

% *Decided on: 14th March, 2023*

+ W.P.(C) 3038/2023

POORAN AND ORS.

..... Petitioners

Through: Mr. Udaibir Singh Kochar with
Mr. Aditya Bakshi, Advocates.

versus

SUB-DIVISIONAL MAGISTRATE/ REVENUE
ASSISTANT, SOUTH WEST DISTRICT AND
ORS.

..... Respondents

Through: Ms. Mehak Nakra, ASC, Civil,
GNCTD for Mr. Rishikesh
Kumar, ASC, Civil, GNCTD.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. In the present matter, the petitioners are aggrieved by the fact that the proceedings under Section 85 of the Delhi Land Reforms Act (DLR Act), 1954 for declaration of bhumidari rights were filed in the year 1989, but till date, the same has not been decided by the respondent no. 1. Thus, it is submitted that the legal rights of the petitioners are being infringed by the delay in decision of the proceedings by the respondent no. 1.

2. It is the case of the petitioners that father of the petitioner No.1-4 and grandfather of petitioner no. 5 and 6 had filed a petition before respondent no. 1 under Section 85 of the DLR Act for declaration of Bhumidari Rights in respect of land situated in Khasra No. 24/15/3

admeasuring 2 bighas and 14 biswas, situated in the revenue estate of Village Asaltpur Khawad, New Delhi. Subsequently, the respondent nos. 2 to 4 were proceeded ex-parte.

3. It is submitted that father of the petitioner nos.1-4 and grandfather of petitioner nos. 5 and 6 led the evidence in the year 1999 itself and the matter was fixed for arguments in the year 1999. However, the suit was not decided by the respondent no. 1.

4. Subsequently, fresh notices were issued to respondent nos. 2 to 4 pursuant to which their counsel appeared on 28.02.2001. However, respondent nos. 2 to 4 again stopped appearing in the Court and they were proceeded ex-parte on 27.12.2002.

5. It is submitted that father of the petitioner no. 1-4 and grandfather of petitioner no. 5 and 6, namely Sh. Khacheru expired on 15.09.2002. Thus, the respondents moved an application seeking setting aside the ex-parte order dated 29.04.1998 along with an application for condonation of delay in December, 2006.

6. It is submitted that the proceedings have been adjourned from the year 2007 till 2022 on the ground that respondent no. 1 is busy in Administrative work and meetings.

7. It is submitted that proceedings were again adjourned on 25.12.2022 on the ground that respondent no. 1 was busy in Administrative work/meetings. The matter was again listed on 22.02.2023, and the proceedings were again adjourned to 29.05.2023. Thus, the present writ petition has been filed, with prayer for directions to respondent no. 1 to decide the case of the petitioners in a time bound manner.

8. Issue notice.

9. Notice is accepted by learned counsel appearing for respondent no. 1. She submits that owing to administrative exigencies, the matter has not been taken up by the concerned SDM. However, learned counsel assures the Court that an expedited hearing shall be granted to the petitioners.

10. In view of the aforesaid, it is directed that respondent no. 1 shall expedite the hearing of the case titled as ***Khacheru Vs Jagat Singh and Others***, bearing case no. 1520/1989 filed under Section 85 of the DLR Act in a time bound manner. The respondent no. 1 is directed to expedite the hearing of the aforesaid and decide the same expeditiously, preferably within one year from today.

11. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

MARCH 14th, 2023

c