

**101+4 RA-CW-200-2024 (O&M) and EA-39-2023 (O&M)
in CWP-20742-2021**

Pitamber DayalVs. State of Haryana and others

Present:- Mr. Ankur Mittal, Advocate &
Ms. Kushaldeep Kaur, Advocate
for the applicant/respondent Nos.3& 4-HSVP.

Mr. Sandeep Sharma, Advocate for the non-applicant/petitioner.

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Saurabh Mago, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
for the respondent-MC Faridabad.

Application for review has been filed alongwith an application for
condonation of delay of 495 days in filing the review application against the
order dated 20.12.2022.

The application for condonation of delay has been opposed by
filing reply, which is more on the merits of the case rather than the reasons for
sufficient cause. The review application is based on the plea that finding
given in the order as such held that the writ petitioner is owner of the disputed
land on the basis of the Civil Suit decree dated 20.04.1998 (Annexure P-2).

We have gone through the civil suit. It is apparent that it was a
suit for permanent injunction and there was no issue framed qua the title.
Since the judgment under review is based on these findings, thus, we are of the
considered opinion that it would necessarily have to be reviewed. The
objection that the review application has been filed by another counsel is liable
to be discarded, in view of the fact that firstly the applicants are State
Agencies and the order under review suffers from a patent irregularity and
illegality and it is settled principle that technicalities will not come in the way
to impart justice.

Accordingly, application for condonation of delay alongwith the review application is allowed and the order dated 20.12.2022 is recalled.

Keeping in view the above, counsel could not dispute the fact that the Execution Application No.39 of 2023 filed for seeking implementing the order has been rendered infructuous and same is disposed of accordingly.

Office is directed to list the main writ petition as per roster. All pending civil miscellaneous applications also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

(MANISHA BATRA)
JUDGE

September 20, 2024
Naveen