



2024:DHC:1822



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

% Judgment delivered on: 04.03.2024

+ W.P.(C) 3278/2024

S. S. AND COMPANY Petitioner

versus

GOVT. OF NCT OF DELHI Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sunil Dalal, Senior Advocate with Mr. Vijay Ahlawat, Mr. Sushil Kumar, Ms. Manisha Saroha, Mr. Nikhil Beniwal, Mr. Navish Bhati and Mr. Mahabir Singh, Advocates.

For the Respondent : Mr. Tushar Sannu and Mr. Devvrat Tiwari, Advocates for GNCTD.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 13550/2024 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 3278/2024 & CM APPL. 13549/2024 (for interim stay)

3. This is a writ petition under Article 226 of the Constitution of



India, 1950, *inter alia* seeking the following reliefs:-

“A) Issue a writ of mandamus or any other appropriate writ order or direction in the nature thereof, thereby issuing necessary directions against respondent to expeditiously decide the claim dated 19.04.2014 filed by the petitioner in respect of his land bearing Khasra No. 10/16 (5-12), 10/24/2 (3-7), 10/25 (4-16) & 18/5/1 (2-8) total area measuring 16 bigha 3 biswa situated in the village Mandoli Delhi, having been vested on being declared as surplus land of Sh. Tej Pratap Singh. Further the respondent may be directed to provide and afford reasonable opportunity to petitioner of being heard while deciding the claim dated 19.04.2014.

B) Issue a writ of Mandamus or any other appropriate writ order or direction in the nature thereof, thereby directing the respondents to mutate the land bearing Khasra No. 10/16 (5-12), 10/24/2 (3-7), 10/25 (4-16) & 18/5/1 (2-8) total area measuring 16 bigha 3 biswa situated in the village Mandoli Delhi in favour of the petitioner, if the claim of the petitioner is allowed and accepted.

C) Pass such other and further order(s) in favour of petitioner, as it deems fit and proper under the facts and circumstances of the case.”

4. Mr. Sunil Dalal, learned Senior Counsel appearing for the petitioner submits that despite passage of more than a decade, the application of the petitioner dated 19.04.2014 in respect of his land bearing khasra Nos. 10/16 (5-12), 10/24/2 (3-7), 10/25 (4-16) & 18/5/1 (2-8) ad-measuring 16 bigha 3 biswa situated in the village Mandoli Delhi, which was vested in the Government after having been declared as a surplus land of Sh. Tej Pratap Singh, is still pending adjudication.

5. Learned Senior Counsel submits that the petitioner would be satisfied in case the SDM concerned before whom the said application is pending, may dispose of the same in accordance with law.

6. Issue Notice.

7. Notice is accepted by Mr. Tushar Sannu, learned counsel



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appearing for respondent.

8. Mr. Sannu, learned counsel for the respondent on instructions of the SDM (Seema Puri), submits that the SDM would dispose of the said application in accordance with law. He further submits that the said village was urbanized way back in the year 2019, and as such, the petitioner may have to approach the appropriate forum for passing of appropriate orders.

9. Be that as it may, in view of the aforesaid, the SDM (Seema Puri) is directed to dispose of the said application dated 19.04.2014 within four weeks from today and pass a reasoned order after giving an opportunity to the petitioner for personal hearing, who are further permitted to file any other relevant documents, they need to submit.

10. The order may be furnished to the petitioner within two days from the date of passing of such order.

11. It is needless to state that the petitioner will be at liberty to challenge the said order, if so advised.

12. In view of the above directions, the petition along with pending application is disposed of.

TUSHAR RAO GEDELA, J.

MARCH 4, 2024

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