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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 798/2024 & CM APPLs. 28912/2024 & 28913/2024**
SH MOHAMMAD EISA LEGAL HEIR OF AFTAB AHMED
DECEASED Petitioner

Through: Mr. Sandeep Bajaj with Ms.
Aakanksha Nehra, Ms. Preeti Singh
and Ms. Gunjan Nayyar, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Ms. Manika Tripathy, SC, DDA with
Mr. Dishant Bhati and Mr. Naveen K.
Sarswat, Advocates for
respondent/DDA.
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Email: manikatripathy@yahoo.com
Ms. Aditi Saraswat, Advocate for Mr.
Jawahar Raja, ASC (Civil), GNCTD
for respondent no. 3 and 4.
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CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **15.05.2024**

CM APPL. 28912/2024 (for exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CM APPL. 28913/2024 (to file detailed synopsis and list of dates)



3. The present application has been filed under Section 151 of Code of Civil Procedure, 1908 (“CPC”) seeking permission to file detailed synopsis and list of dates.

4. Considering the submissions made in the present application, the present application is allowed and the same is disposed of, accordingly.

CONT.CAS(C) 798/2024

5. The present petition has been filed alleging willful disobedience of the judgment dated 14th August, 2014 passed in W.P. (C) No. 417/2013; judgment dated 19th January, 2017 passed by the Division Bench of this Court in LPA No. 37/2015 and order dated 04th August, 2021 passed by the Hon’ble Supreme Court in SLP No. 12005/2021.

6. Learned counsel appearing for the petitioner has drawn the attention this Court to the judgment dated 14th August, 2014 passed in W.P.(C) No. 417/2013, wherein, the following directions were issued:-

“xxx xxx xxx

11. In view of the above facts and the settled law, order dated 04.12.2012 is hereby set aside and the respondent nos. 1 and 2 are directed to re-consider the application of the petitioner and pass a fresh order within two months from today. Decision taken by the respondents shall be communicated to the petitioner within two weeks thereafter. If the petitioner is still aggrieved with the order passed by the respondent nos. 1 and 2, liberty is granted to the petitioner to approach the Court.

xxx xxx xxx”

7. It is submitted that despite the categorical directions passed in the aforesaid judgment, which have been affirmed by the learned Division Bench and the Supreme Court, requisite decision has still not been taken by the respondents.

8. Per contra, learned counsel appearing for the respondent nos. 3 and 4 points out to Annexure Nos. P45, 46 and 49, to contend that various hearing



notices have been issued to the petitioner and that hearing is also being granted. She further submits that adjournment had been sought by the petitioner before the Authority, due to which, the hearing has not been concluded.

9. However, the aforesaid submission is disputed by learned counsel appearing for the petitioner, who submits that notices were received by the petitioner after the hearing had been fixed by the respondents.

10. At this stage, learned counsel appearing for the respondents submits that hearing to the petitioner shall be expedited and a decision shall be taken at the earliest. She further submits that owing to election duty, it is not possible to continue with the hearing for the time being. Thus, she submits that time to conclude the hearing, and passing a decision, may be extended.

11. Considering the submissions made before this Court, it is directed that the respondents shall conclude the hearing of the petitioner, and pass a decision in terms of the aforesaid orders, expeditiously, preferably, by 31st August, 2024.

12. It is further directed that as and when the petitioner is called for hearing, proper notice in advance shall be given to the petitioner, so that the petitioner is able to attend the hearing before the respondents.

13. Liberty is granted to the petitioner, to revive the present petition, in case, there is non-compliance of the present order by the respondents.

14. With the aforesaid directions, the present petition stands disposed of.

MINI PUSHKARNA, J

MAY 15, 2024/c