



2024:DHC:5602-DB



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

+ **LPA 678/2024 & C.M. APPL. 42269/2024**

**ALOK PUNJ VIDYA PEETH (REGD.) SOCIETY THROUGH ITS  
PRESIDENT ANUP SINGH** ....Appellant

Through: **Mr. Shailendra Bhardwaj with Ms.  
Aroma S. Bhardwaj, Advocates.**

versus

**GOVERNMENT OF NCT OF DELHI & ORS** .....Respondents

Through: **None**

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Date of Decision: 29<sup>th</sup> July, 2024.

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

### **J U D G M E N T**

**MANMOHAN, ACJ : (ORAL)**

1. Present appeal has been preferred under Clause X of the Letters Patent Act, 1866, assailing the order dated 24<sup>th</sup> April, 2024 and the judgment dated 2<sup>nd</sup> February, 2024, passed by the learned Single Judge of this Court in C.M. APPL. 23527/2024 in W.P.(C) 9748/2018 titled "*Alok Punj Vidya Peeti (Regd) Society Nehru Adarsh Vidyalaya, Seelampur Old Delhi -31, Through Its Manager Sh. Rakesh Kumar vs. Government of NCT of Delhi & Ors*" filed by the appellant seeking recall of the order dated 2<sup>nd</sup> February, 2024, whereby the

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said application was dismissed on the ground that the appellant had no locus to file an application seeking recall since the appellant was not impleaded as a party to the writ petition.

2. Mr. Shailendra Bhardwaj, learned counsel for the appellant submits that the learned Single Judge had in his judgement dated 2<sup>nd</sup> February, 2024, disposed of the underlying writ petition by directing the respondent no.4 to carry out the repairs and renovations and directed the respondent no.1 & 2 to handover the management of the school to the respondent no.4 as per directions contained in the order of the Lieutenant Governor dated 21<sup>st</sup> April, 2010. He draws attention of this Court to an affidavit dated 9<sup>th</sup> September, 2021 filed by the Govt. of NCT of Delhi in W.P.(C) 2862/2021 to submit that the management of the school which was ordered to be handed over to respondent no.4 by the learned Single Judge belongs to the government.

3. Learned counsel for the appellant further submits that there are ongoing disputes between two groups within the society and an appeal is pending adjudication bearing RCA No. 54/2019 against the dismissal order of the civil suit filed by the appellant against the respondent no.4.

4. We have heard the learned counsel for the appellant and considered the document on record including the impugned order.

5. Learned counsel has made submissions in respect of the application which he sought to place in the writ petition by way of C.M. APPL 23527/2024 whereupon the learned Single Judge had passed the impugned dismissal order. The primordial question which needs to be considered by this Court and was not adverted to by the learned counsel for the appellant, is as to whether the



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appellant has any locus to file the aforesaid application. We find from the record as also the observation in the impugned order that the appellant had sought impleadment in the W.P. (C) 9748/2018, by way of C.M. APPL. 16705/2019. Vide order dated 3<sup>rd</sup> March, 2023, learned Single Judge had dismissed the said application for non-prosecution. It is not disputed, that the appellant has not challenged the order dated 3<sup>rd</sup> March, 2023 and the same has become final.

6. Having not challenged the order dated 3<sup>rd</sup> March, 2023, it is beyond cavil that the appellant is a stranger to the writ petition. If that is so, it is an obvious consequence that the appellant cannot maintain C.M. APPL. 23527/2024 and this has been rightly observed by the learned Single Judge. We have no reason to disagree with the learned Single Judge.

7. Resultantly the present appeal is dismissed with no order as to costs.

8. Pending application also stand disposed of.

**ACTING CHIEF JUSTICE**

**TUSHAR RAO GEDELA, J**

**JULY 29, 2024/rl**