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

+ **W.P.(C) 15155/2023**

BIR SINGH

..... Petitioner

Through: Mr. Nazim Uddin Ahmed and Mr.
Amit Kumar Yadav, Advocates

versus

NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Karn Bhardwaj, ASC Mr. Rajat
Gaba and Mr. Shubham Singh,
Advocates for GNCTD

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

01.02.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 60609/2023

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

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3. This is a petition under Article 226 of the Constitution of India, 1950, *interalia*, seeking the following reliefs:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue a Writ in the nature of MANDAMUS or any other appropriate Order/Direction of like nature directing the Respondent. Forthwith to dispose of the Appeal bearing No.53/20215 pending before Appellate (Respondent) title as Bir Sing Vs Pawan Verma & Ors, as early as possible.

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Any other Order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case may also be passed in favour of the Petitioner and against the respondents."

4. Issue notice.
5. Notice is accepted by learned ASC appearing for the GNCTD. Mr. Bhardwaj, learned ASC invites attention of this Court to the additional documents filed by the petitioner in terms of the order passed by this Court particularly to page 2 of the said documents and submits that on 03.01.2023, the date was not given by the Collector (South) as the property stands urbanized. He submits that once the property has been urbanized, as per the judgment of the Supreme Court in ***Mohinder Singh (dead) through LRs and Anr. vs. Narain Singh and Others*** reported in **2023 SCC OnLine SC 261**, the proceedings would become *non est* in law and as such there is no requirement for passing separate order for that.
6. Learned counsel appearing for the petitioner submits in order to assail the entire set of proceedings, an order, even if it is formal, is required to be passed by the authorities and a simple one line dismissal will not suffice the requirement of law.
7. This Court has heard the arguments and perused the documents on record. It is apparent that the Collector (South) has in one line by noting "*no date given as the property is urbanized*", on 03.01.2023 and it appears to have not given a proper reasoning as to why the authority is not hearing the matter. Even if it is a formal order, an order needs to be passed in accordance with law.
8. In view of the above, the present petition is disposed of with the



directions to the Collector (South), to pass formal order in respect of the Appeal bearing No.53/2023 titled as ***Bir Singh @ Bire Vs. Shri Pawan Verma & Ors.*** within fifteen days from the receipt of this order.

9. The petition is disposed of in the above terms.

10. *Dasti.*

TUSHAR RAO GEDELA, J

FEBRUARY 1, 2024/ms