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

+ LPA 50/2024 & CM APPL. 2479/2024, CM APPL. 2480/2024, CM
APPL. 2481/2024, CM APPL. 2482/2024, CM APPL. 2483/2024

RAJIV GAUTAM

..... Appellant

Through: Ms. Ramisha Jain, Mr. Dhananjay
Singh Sehrawat, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondent

Through: Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advs
Inspector Rajesh Kumar, PS,
Badarpur.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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15.01.2024

1. Present Letters Patent Appeal has been filed challenging the judgment dated 05th October, 2023, passed by the learned Single Judge in W.P.(C) No. 3851/2023, whereby the writ petition filed by respondent No.5- petitioner seeking compensation for illegal detention in police lock-up was allowed and a compensation of Rs.50,000/- was awarded to respondent No.5- petitioner, to be recovered from the salary of appellant and respondent No.4.
2. Learned counsel for the appellant states that the impugned judgment has been passed ex parte. She states that no notice of the writ petition was



ever served upon the appellant. She emphasises that the respondent no.5-petitioner had filed the writ petition seeking compensation on account of his alleged illegal arrest and detention.

3. Issue notice. Ms. Hetu Arora Sethi, Advocate, accepts notice. She states that she had informed the Police Department about the pendency of the writ petition. She, however, admits that though she had represented the Police Department, yet she had no power of attorney in her favour from the appellant.

4. Keeping in view the fact that the learned Single Judge has fastened personal liability upon the appellant, this Court is of the view that the appellant should have been served personally and should have been given an opportunity to put forward his defence prior to any order being passed. Consequently, as the impugned order has been passed in violation of principles of natural justice, the impugned order qua the appellant is set aside. The matter is remanded back to the learned Single Judge for a fresh hearing qua the appellant on 02nd February, 2024.

5. The appellant is directed to intimate the next date of hearing to learned counsel for the petitioner. Accordingly, the present appeal is disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 15, 2024

N.Khanna