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

+ **W.P.(C) 15169/2024 & CM APPL. 63582/2024**

SHIV KUMAR TYAGI

.....Petitioner

Through: Mr. B.S. Rajesh Agrajit, Ms. Priya
Nagar, Mr. Siddharth Goswamy, Mr.
Aakash Sharma, Advocates

versus

REGISTRAR -IV AND ORS

.....Respondents

Through: Mr. Santosh Kumar Tripathi, SC
(Civil) with Mr. Rishabh Srivastava,
Advocate for GNCTD/R-1
Ms. Purnima Maheshwari, Advocate
for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.10.2024

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1. The Petitioner contends that on 4th April, 2009, he preferred an appeal bearing Appeal Case No. 12 of 2009, before the Deputy Commissioner (District North East), Nand Nagri, Delhi, assailing the order dated 05th March, 2009, passed by the Office of the Sub-Registrar, Seelampur, GNCTD, Nand Nagri, Delhi, whereby the Sub-Registrar refused to register a sale deed executed in favour of the Petitioner. The Petitioner contends that, despite significant time having passed, the appeal remains pending before the Deputy Commissioner, compelling him to approach this Court through the present writ petition seeking directions for its expeditious disposal.
2. The averments in the petition point to what the Petitioner describes as



a striking inefficiency on the part of the Respondents, persisting for over 12 years. In fact, the Petitioner contends that the Respondents' conduct amounts to "absurdity". Such strong language has been used by the Petitioner to contend that there has been an unexplained delay of nearly 15 years in deciding the appeal by the Deputy Commissioner.

3. Conversely, counsel for Respondent No. 2 contends that the present writ petition is frivolous and constitutes an abuse of the legal process. She explains that the Appeal Case No. 12 of 2009 before the Deputy Commissioner (District North East) had been adjourned due to a *status quo* order passed by this High Court in proceedings relating to the property in question. To this effect, she has produced before the Court an order dated 09th July, 2015 passed by the Office of the Deputy Commissioner (District North East) in Appeal No. 12 of 2009, which reads as follows:

"Present Sh. Harishankar, Adv for appellant

a) Sh. S.C. Jain for Respondent

b) Sh. B.L. Bairwa S/R

Counsel for appellant filed a copy of order dt. 25-11-2009 of Hon'ble High Court which clearly states that status quo as to possession and title shall be maintained.

In view of above order esp. status quo qua title, these proceedings cannot be held further.

The case is accordingly adjourned till order w.r.t. status quo is either vacated by Hon'ble Court or the case is finally decided by the Court.

The appellant would bring to the notice of the Court any change in status quo as mentioned above."

4. It is thus clear that the subject appeal proceedings were adjourned by the Deputy Commissioner (District North East), in light of the order dated 25th November, 2009 passed by this High Court, directing the parties to maintain *status quo* as to possession and title of the property in question. In



fact, the said proceedings which were pending before the High Court, were subsequently transferred to the District Courts, on account of change of pecuniary jurisdiction. Further, the counsel for Respondent No. 2 has apprised the Court that by virtue of the order dated 12th July, 2024 passed by the Court of District Judge-01, North-East District, Karkardooma Courts in RCA DJ No. 32/21, a final decision has been rendered relating to the property. Thus, she submits that in terms of the order dated 09th July, 2015, the Petitioner can now approach the Deputy Commissioner for adjudication of Appeal Case no. 12 of 2009.

5. Curiously, in the entire writ petition before this Court, there is no reference either to the order dated 09th July, 2015 passed by Deputy Commissioner, or the final decision dated 12th July, 2024, rendered in the RCA DJ No. 32/21. When confronted with these omissions, counsel for the Petitioner could not provide a plausible explanation for the lack of disclosure of these critical facts. Acknowledging this lapse, counsel for the Petitioner expresses regret and, in lieu of the Court imposing costs on the Petitioner, he volunteers to contribute an amount of Rs. 10,000 to the Delhi High Court Advocates' Welfare Fund. Let the same be done within two weeks from today.

6. In view of the above, the present writ petition is disposed of with the following directions:

- (a) Respondent No. 3 – Deputy Commissioner (District North East) Nand Nagri, Delhi, is directed to take up Appeal Case No. 12 of 2009 and pass an appropriate order thereon, in accordance with law.
- (b) The Petitioner shall furnish all requisite details of all necessary parties before Respondent No. 3, in order for Respondent No. 3 to take up the



matter and dispose of the same effectively.

7. It is made clear that the Court has not examined the merits of the case. All rights and contentions of the parties are reserved and the Respondent No. 3 shall decide the matter, in accordance with law and uninfluenced by any of the observations in this order.

8. With the above directions, the writ petition along with pending application, is disposed of.

SANJEEV NARULA, J

OCTOBER 28, 2024/ab