

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(C) 3162/2010 & C.Ms.No.20919/2010 & 20920/2010**

Decided on: 30th September, 2011.

IN THE MATTER OF :
NIRMAL SINGH

..... Petitioner

Through: Mr. Hanu Bhaskar, Adv.

versus

GNCT OF DELHI AND ORS

..... Respondents

Through: Mr. Vinod Wadhwa, Adv. for
respondents No.1 to 3.
Mr. J.K. Jain, Adv. for R-4 & 5.
Mr. Rajendra Dutt, Adv. for R-6 (a) to
(c).

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***HON'BLE MS.JUSTICE HIMA KOHLI**

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| 1. Whether Reporters of Local papers may be allowed to see the Judgment? | No |
| 2. To be referred to the Reporter or not? | No |
| 3. Whether the judgment should be reported in the Digest? | No |

HIMA KOHLI, J. (Oral)

1. The petitioner has assailed the order dated 15.10.2008 passed by the Collector, South-West on an appeal preferred by respondents No.4 and 5 against respondents No.6(a) to (c), against the order dated 03.02.1982, passed by the Revenue Assistant, Delhi under Section 185 of the Delhi Land Reforms Act. By the impugned order, the aforesaid order dated 03.02.1982 passed by the SDM/Revenue Assistant was set aside and the entry in the revenue record standing in the name of the deceased

respondent No.6 was directed to be deleted and further, the 1/8th share of Sh. Rati Ram, the predecessor-in-interest of respondents No.4 and 5 herein, was declared in favour of the latter.

2. Counsel for the petitioner states that though the aforesaid order is appealable under the statute, but as the petitioner was unaware of the aforesaid proceedings which culminated in the impugned order, he could not approach the Appellate Authority to assail the same and has had to approach this Court for relief on the ground that he is the owner of two and a half bighas of land, out of a plot of land measuring 39 bighas 17 biswas as detailed in para-2 of the writ petition, situated in the Revenue Estate of Village Rangpuri, Tehsil Vasant Vihar, South-West, New Delhi, which was purchased by him from the legal heirs of respondent No.6, by executing a set of documents on 06.03.2007. It is submitted that the legal heirs of deceased respondent No.6 have sold smaller plots of land from out of the larger chunk, to third parties, similarly situated as the petitioner, and two such purchasers have sought impleadment in the present proceedings by filing an application registered as C.M. No.20919/2010.

3. Counsel for respondent No.6 (a) & (b) states that in view of the difficulty expressed by the petitioner and in view of the fact that his clients came to know of the passing of the impugned order only after they were served in the present proceedings, they propose to seek their

remedies against the said order, either by directly approaching the Collector, South-West by filing an application, or by preferring an appeal against the same, as may be legally advised. He further states that respondents No.6(a) to (c) shall ensure that the petitioner herein and the applicants in C.M. No.20919/2010 are impleaded as parties in the proceedings proposed to be initiated by them before the Revenue Authorities.

4. Counsel for respondents No.4 & 5 states that he does not oppose the aforesaid submission made by counsel for respondent No.6, but reserves the right of respondents No.4 & 5 to take all the pleas available to them on facts and in law, to oppose the legal proceedings proposed to be initiated by the legal heirs of respondent No.6. He further states as far as his clients are concerned, they do not recognize the sale/purchase of the subject land, on the strength of the documents placed on record by the petitioner.

5. Without going into the merits of the case and in view of the aforesaid submissions made by the counsel for the parties, the present petition is disposed of alongwith pending applications, with liberty granted to respondent No.6 to approach the Revenue Authorities within three weeks from today for setting aside the order dated 15.10.2008, as per law. Respondents No.6(a) to (c) shall ensure that the petitioner herein as also the applicants in C.M.No.20919/2011 are impleaded in the said

proceedings so that they are afforded an opportunity of placing their stand before the Revenue Authorities. It is further clarified that the parties shall be entitled to take all the pleas as may be available to them before the Revenue Authorities which shall include pleas on facts as also in law.

The petition is disposed of, along with the pending applications.

HIMA KOHLI,J

SEPTEMBER 30, 2011
'anb'