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

+ LPA 811/2017

SHRI PAL

..... Appellant

Through: Mr.Arun Kaushal, Advocate

versus

LT.GOVERNOR OF DELHI & ORS.

..... Respondents

Through: Mr.R.A.Iyer, Advocate for
Mr.Gautam Narayan, ASC

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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27.12.2017

CRL.M.A.47475/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

LPA 811/2017

1. This Letters Patent Appeal has been filed by the appellant with the following prayers:-

a) To allow the present appeal;

b) To grant interim protection to the petitioner and against the respondent by directing respondent not to interfere in the property of the petitioner bearing Khasra No.630 measuring 3 acres, Village Ghitorni, Tehsil Vasant Vihar, District South till the final disposal of CM No.38485/2017 in W.P.(C) No.10563/2016.

2. Learned counsel for the appellant has submitted that he has to approach this Court during vacation for the reason that writ petition being W.P.(C) No.10563/2016 was listed before the Single Bench of this Court on 27th October, 2017, 13th December, 2017 and 20th December, 2017 wherein an application being CM No. 38485/2017 is also pending but despite service of copy of CM No. 38485/2017 upon the learned counsel for the respondents, neither the reply has been filed nor learned counsel for the respondents preferred to appear at the second call. His prayer before the Court to decide the W.P.(C) No.10563/2016 was also declined and now the matter has been adjourned for 20th March, 2018, directing the respondents to file response to the said application but without granting any interim protection to the appellant herein.

3. The grievance of the appellant is that his writ petition bearing W.P.(C) No.10653/2016 is pending for more than one year. The respondents are deliberately not filing any reply to the CM No.38485/2017 and the Court has also not granted any interim protection to the appellant. The appellant has also filed the police complaint to the SHO, PS Vasant Kunj on 19th December, 2017 and no action has been taken even by the SHO to direct the concerned departments not to take any action in the matter till the disposal of the writ petition.

4. Since the main grievance of the appellant herein is that he has been declined protection in W.P.(C) No.10653/2016 and CM No.38485/2017 has also not been disposed of, which is deliberately being delayed by the respondents by not filing the reply, on perusal of the copy of the orders dated 27th October, 2017, 13th December, 2017 and 20th December, 2017, it

is revealed that the appellant herein has not prayed for any interim protection on the above date during the hearing of the writ petition. Hence there was no question of declining the same by the learned Single Judge. Copy of various orders dated 27th October, 2017, 13th December, 2017 and 20th December 2017, passed by the learned Single Judge are extracted hereunder:

27th October, 2017

“CM Nos.38485/2017 & 38486/2017 in W.P.(C) 10563/2016

Learned counsel for the respondents submits that she has not received the copy of the applications. Let the copies of the applications be furnished to her.

List for consideration on 20th December, 2017.”

13th December, 2017

“W.P.(C) 10563/2016 & C.M. Nos.41454/2016, 44131/2016, 2176/2017 & 38485/2017

Respondent has not put in appearance at the second call although he was present at the first call. Matter is already fixed for hearing on 20.12.2017.

List on 20.12.2017.”

20th December, 2017

C.M. No.38485/2017

Reply to the aforementioned application be filed by the respondent before the next date.

W.P.(C) 10563/2016 and C.M. No.41454/2016, C.M. No.44131/2016, C.M. No.2176/2017

Last opportunity is granted to the petitioner to file written synopsis after exchanging copy.

List on 20.03.2018.

5. The proceedings dated 20th December, 2017 when the matter was adjourned to 20th March, 2018, rather reveal that the petitioner (appellant herein) has been granted last opportunity to file the written synopsis.
6. When the interim protection has not been sought by the appellant on the various dates of hearing, this appeal is dismissed giving liberty to the appellant to seek his remedy in W.P.(C) No.10563/2016.
7. The appeal is dismissed.

PRATIBHA RANI, J.

NAVIN CHAWLA, J.

DECEMBER 27, 2017

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