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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**

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**O R D E R**  
**27.12.2017**

CRL.M.A.47475/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

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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.

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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 27<sup>th</sup> October, 2017, 13<sup>th</sup> December, 2017 and 20<sup>th</sup> 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 20<sup>th</sup> 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 19<sup>th</sup> 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 denied 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 27<sup>th</sup> October, 2017, 13<sup>th</sup> December, 2017 and 20<sup>th</sup> 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 27<sup>th</sup> October, 2017, 13<sup>th</sup> December, 2017 and 20<sup>th</sup> December 2017, passed by the learned Single Judge are extracted hereunder:

27<sup>th</sup> 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 20<sup>th</sup> December, 2017.”*

13<sup>th</sup> 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.”*

20<sup>th</sup> December, 2017

C.M. No.38485/2017

*Reply to the aforesaid 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 20<sup>th</sup> December, 2017 when the matter was adjourned to 20<sup>th</sup> 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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