

Sahitya Akademi vs District Magistrate on 23 January, 2023

Author: Satish Chandra Sharma

Bench: Chief Justice, Subramonium Prasad

\$~35 & 36

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ LPA 433/2021
SAHITYA AKADEMI

Through: Ms. Geeta Luthra, Senior Advocate
with Mr. Abhishek Aggarwal, Ms. Apoorva Kamakshi Gupta, Mr. M. Agrawal, Ms. Apoorva Advocates

versus

DISTRICT MAGISTRATE

Through: Mr. Ritin Rai, Senior Advocate
Ms. Shreya Munoth, Ms. Bhardwaj, Ms. Aditi R. Sitamsini Cherukunalli for R-2

+ LPA 441/2022
A

Through: Mr. Ashish Dixit, Advocate

versus

GOVERNMENT OF NCT OF DELHI THROUGH THE
STANDING COUNSEL (CIVIL) DELHI HIGH COURT & ORS.

..... Respondent

Through: Mr. Avishkar Singhvi, Mr. Vivek Kumar, Mr. Naved Ahm
Advocates for R-1 & R-4
Mr. Ritin Rai, Senior Advocate with
Ms. Shreya Munoth, Ms. Kritika Bhardwaj, Ms. Aditi Rao, Ms.

Signature Not Verified

Digitally Signed

By: SHAZAAD ZAKIR

LPA 433/2021 & LPA 441/2022

Signing Date: 25.01.2023

17:12:16

Sitamsini Cherukunalli
for R-2
Ms. Geeta Luthra, Senior

with Mr. Abhishek Aggarwal,
Kamakshi Gupta, Mr. Manish
Agrawal, Ms. Apoorva Ma
Advocates for R-3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 23.01.2023 LPA 441/2022 & CM APPLs. 32000/2022, 32001/2022

1. The present LPA arises out of the Judgment dated 25.10.2021 passed by the learned Single Judge in W.P.(C) 1103/2020.

2. Learned Counsel for the Appellant herein has drawn the attention of this Court towards the pleadings in W.P.(C) 1103/2020, wherein certain averments have been made against the Appellant. Further the Judgment passed by the learned Single Judge also contains certain observations in respect of the Appellant.

3. Learned Counsel for the Appellant submits that he was not impleaded in the array of parties as a Respondent in the writ petition. He states that in all fairness the Appellant should have been impleaded as one of the Respondents in the writ petition more so when there are serious allegations against him. He has prayed before this Court that the matter may be remanded back to the learned Single Judge to grant him an opportunity to appear before the learned Single Judge and the learned Single Judge may be requested to decide the writ petition afresh on the merits after granting an opportunity of a hearing to him.

4. The learned Counsel for Respondent No.2, i.e. writ petitioner, fairly states that he does not object to the prayer made by the Appellant herein. However, the interim protection granted to the writ petitioner by the Apex Court may be continued till the matter is finally decided by the writ court and a request may also be made to the learned Single Judge to decide the matter at an early date.

5. In view of the above, the matter is being remanded back to the learned Single Judge as the Appellant was not heard at any point of time.

6. It is needless to mention that interim protection has been granted to the writ petitioner by the Apex Court vide Order dated 12.04.2022 passed in SLP(C) 20089/2021 wherein the Apex Court has directed that the payment to the writ petitioner will continue till the outcome/disposal of the case, subject to the final outcome of the decision of the Division Bench. The interim protection granted by the Apex Court will certainly continue till the case is decided by the learned Single Judge.

7. The parties will appear before the learned Single on 30.01.2023.

8. Learned Counsel for the Appellant is granted a week's time to file a reply to the writ petition, as he already has all the documents pertaining to the LPA in his possession. The learned Single Judge is

requested to decide the writ petition at an early date as expeditiously as possible, especially, keeping in view the order passed by the Hon'ble Supreme Court on 12.04.2022 wherein the Apex Court has requested this Court to decide the case as expeditiously as possible.

9. The order of the learned Single Judge is set aside. The LPA is disposed of, along with the pending application(s), with the aforesaid observations.

10. It has also been brought to the notice of this Court that a civil suit is pending between the parties. It is made clear that the pendency of the civil suit will not come in way of the learned Single Judge in adjudicating the matter. It is further made clear that this Court has not made any observation on the merits of the case and all issues/contentions/grounds are left open. LPA 433/2021 & CM APPL. 40213/2021 In view of the order passed in LPA 441/2022, the present LPA stands disposed of, along with pending application.

SATISH CHANDRA SHARMA, CJ SUBRAMONIUM PRASAD, J JANUARY 23, 2023 hsk