

Ritu vs Kamla Devi on 17 February, 2023

\$~R-3B

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ RFA 369/2013
RITU

Through: Mr. Febin Mathew, Mr. S
David, Ad
(M:9953418874)

versus

KAMLA DEVI

Through: Mr. Ashish Verma, Advoca
for R-1
Ms. Smita Maan, Advocat
R-2

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
ORDER

% 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. Counsels appear for respective parties.
2. List for hearing on 12.04.2023, in the Advance List.

MINI PUSHKARNA, J FEBRUARY 17, 2023 au \$~R-3A * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 8248/2002 H.S.ROY Petitioner Through: Advocate (appearance not given) versus UOI & ORS. Respondents Through: Mr. Bhagvan Swarup Shukla, CGSC Mr. Rajiv Kapur, Mr. Akshit Kapur, Advocates for Bank CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. List for hearing on 24.07.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 au \$~R-4A & 4B * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 5661/2005 KAILASH KUMAR KAPUR Petitioner Through: Mr. Sunil Choudhary, Advocate versus STATE BANK OF PATIALA & ORS. Respondents Through: None.

4B AND
+ W.P.(C) 17273/2006
KAILASH KUMAR KAPUR

..... Petitioner

Through: Mr. Sunil Choudhary, Advocate versus STATE BANK OF PATIALA & ANR
Respondents Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. List for hearing on 25.05.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023/ au \$~5 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 1482/2012 RAJIV KUMAR Petitioner Through: Mr. Pathak Rakesh Kaushik, Advocate (M:9717533699,email:only2rakesh@gmail.com) versus ORIENTAL BANK OF COMMERCE AND ORS Respondents Through: Mr. Niraj Kumar, proxy for Mr. Rajat Arora, Advocate for R- 1&2 (M:7739000105,email:niraj5992@gmail.com) CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. Ld. Counsel appears on behalf of Mr. Rajat Arora, Advocate for respondent Nos. 1 & 2 and seeks accommodation for today.

2. At request, re-notify on 22.05.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 au \$~R-5A, 5B & 5C * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 2743/2006 DR.J.P.BANERJEE Petitioner Through: None.

versus

	CANARA BANK		 Re
		Through:	None.	
5B		WITH		
+	W.P.(C) 674/2008			
	DR.J.P.BANERJEE		
		Through:	None.	
		versus		
	CANARA BANK		 Re
		Through:	None.	
5C		AND		
+	W.P.(C) 675/2008			
	DR.J.P.BANERJEE		
		Through:	None.	
		versus		
	CANARA BANK		 R
		Through:	None.	
	CORAM:			

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. List for hearing on 25.05.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023/au \$~6 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 8693/2017 & CM APPLs. 50558/2022, 50559/2022 RITA SINGH Petitioner Through: Ms. P. Dua, Ms. Akriti Tyagi, Ms. Trisha Gupta, Advocates versus UNION OF INDIA & ORS Respondents Through: Mr. Rishabh Sahu, Sr. Central Govt. Counsel with Mr. Sameer Sharma, Advocate (M:9910055066) CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing] CM APPL. 50558/2022 (u/S 151 CPC)

1. The present is an application for early hearing filed on behalf of the respondent.
2. Ld. Counsel appears on behalf of petitioner, pursuant to the notice issued by this Court on the last date of hearing.
3. Considering the submissions made in the present application, early hearing is allowed and the matter is set down for hearing.

Application is disposed of accordingly. W.P.(C) 8693/2017 & CM APPL. 50559/2022

4. List for final disposal on 22.05.2023, in the Advance list. In the meanwhile, parties are at liberty to file reply along with judgments they wish to rely upon before the next date of hearing.

MINI PUSHKARNA, J FEBRUARY 17, 2023/au \$~7 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 4729/2021 & CM APPL. 14594/2021 DHAN RAJ & ORS. Petitioners Through: Advocate (appearance not given) versus UNION OF INDIA & ORS. Respondents Through: Mr. Vikrant N Goyal, Ms. Ayushi Garg, Ms. Tesu Gupta, Advocates for R-1/UOI (M:8585945964,email:garg149 @gmail.com) Mr. Rajesh Katyal and Ms. Parina Katiyal, Advocates for R-6/NCRTC (M:9810643553) Mr. Biraja Mahapatra, Mr. Nalin Hingorani and Mr. Rajat Sharma, Advocates for R-3 and 4, GNCTD & LAC/ADM (South East) (M:9810935526) Mob No. 9717888012 Ms. Shobhana Takiar, Standing Counsel for DDA /R2(M:9810962950) CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. Mr. Pramod Kumar, Advocate puts in appearance on behalf of the respondent Nos. 4 & 5. He submits that he needs time to seek instructions from his clients.
2. At request, re-notify on 13.07.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 au \$~8 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 10909/2022 & CM APPLs. 31784/2022, 45870/2022 HEMANT KUMAR CHAUDHARY Petitioner Through: Mr. Shiva Tiwari, Mr. Vinay Jaidka, Advocates

(M:9953630909) versus GOVERNMENT OF NCT OF DELHI & ANR. .. Respondents Through: Mr. Pramod Gupta Adv. with Ms. Utkarsha Adv for CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. At request, re-notify on 29.03.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 au \$~9 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 8233/2021 & CM APPL. 25561/2021 MR ADARSH PAL SINGH RANDHAWA Petitioner Through: Mr. Ashish Mohan, Mr. Samarth Chowdhary, Advocates (M:9891599840) versus GOVERNMENT OF NCT OF DELHI & ANR. Respondents Through: Ms. Hetu Arora Sethi, ASC/GNCTD for R-1&2 (M:9810368590) CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. Ld. Counsel for petitioner submits that in the present case the proceedings have been initiated against deceased person who expired in the year 2016, while the proceedings were initiated in the year 2019. Thus, he submits that proceedings against a dead person are null and void.

2. On the other hand, ld. Counsel for respondents submits that area in question is government land and the action has been taken accordingly.

3. It is seen from the record that vide order dated 21.04.2022, directions had been given to the parties to file their written submissions, however, written submissions have still not been filed.

Let parties file their written submissions before the next date of hearing.

4. List for hearing on 10.03.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 au \$~12 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 10080/2021 MANOJ KUMAR SHARMA Petitioner Through: Mr. Atul Kumar, Advocate along with petitioner in person (M:9560960020) versus DELHI DEVELOPMENT AUTHORITY & ORS. Respondents Through: Ms. Rachita Garg, Mr. Yash Singh, Advocates for GNCTD (M:9838848183) Mr. Ashim vachher, Standing Counsel for DDA with Mr. Kunal Lakra, Advocate for DDA (M:9811023217) CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. Ld. Counsel appearing for the respondent No.1 submits that the main counsel who has to argue the matter had to leave the court and is thus, not available.
2. Pleadings in the matter are complete qua respondent No.1.
3. Ld. Counsel appearing for respondent Nos. 2 and 3 submits that they may be granted time to file reply. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.
4. List for hearing on 13.07.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 au \$~13 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 1647/2012 MANOJ KUMAR SHASTRI Petitioner Through: Mr. Sunil Kumar Verma, Mr. Virender Kumar, Advocates (M:9811384198,email:svermak @gmail.com) versus CHAIRMAN , DISCIPLINARY COMMITTEE, SURAJ BHAN D.A.V.PUBLIC SCHOOL AND ORS Respondents Through: Mr. Zoheb Hossain, Additional Standing Counsel with Mr. Vivek Gurnani, Advocates for R-3 (M:9769842146) Mr. Vivek Srivastava & Mr. Milind Srivastava, Advocates (M:8750391412) CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. Ld. Counsels have put in appearance on behalf of the respondents pursuant to the notice issued on the last date of hearing.
2. Pleadings in the matter are complete.
3. In view thereof, the matter is set down for hearing.
4. This Court had earlier directed the parties to file their written submissions by order dated 01.08.2019. It is seen from the record that written submissions on behalf of petitioner have already been filed.

However, the respondent is yet to file written submissions. Liberty is granted to respondent to file the written submissions along with judgments they wish to rely upon before the next date of hearing.

5. At request, petitioner is also granted liberty to file fresh written submissions along with judgments they wish to rely upon before the next date of hearing.

6. List for hearing on 19.04.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 au \$~14 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 923/2016 DHOOM SINGH Petitioner Through: Mr. Dashmesh Tripathi Adv.

for Mr. R. K. Saini adv.

versus

GOVERNMENT OF NCT OF DELHI
AND ANR

..... Respondents

Through: Mr. Yeeshu Jain Advocate Standing Counsel with Ms. Jyoti Tyagi Advocate for GNCTD
CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical
Hearing/ Hybrid Hearing]

1. Ms. Jyoti Tyagi, Advocate appears on behalf of respondent Nos. 1 and 2 and submits that additional affidavit in terms of the previous order had already been filed.
2. Petitioner is granted liberty to file response thereto.
3. List for hearing on 12.05.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 au \$~R-8A * IN THE HIGH COURT OF DELHI AT NEW DELHI + RFA 469/2013 & CM APPLs. 40049/2021 & 48434/2022 SH JAGJIT SINGH (DECEASED) NOW REPRESENTED BY HIS LRS Appellants Through: Mr. Aditya Kumar Hire, proxy counsel for Ms. Amrit Kaur Oberoi, Advocate.

versus AMRIK SINGH & ORS Respondents Through: Mr. Atul Batra, Advocate for respondent nos. 1 and 2.

(M): 9313661982 Email: uniserve_law@yahoo.com Mr. Rajeev Saxena, Advocate for respondent nos. 6 and 7. (M): 9810811180 Email: saxsonslawco@gmail.com CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical
Hearing/ Hybrid Hearing]

1. Learned counsels for the parties submit that the parties have entered into settlement and that for formalising the same, matter may be referred to Delhi High Court Mediation and Conciliation Centre.
2. At request, the matter is referred to Delhi High Court Mediation and Conciliation Centre on 03.03.2023.
3. Re-notify the matter before Court on 25.05.2023 in the advance list.

MINI PUSHKARNA, J FEBRUARY 17, 2023/c \$~10 & 11 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 12328/2021 & CM APPL. 38767/2021 MS. VEENA NAYAR & ORS Petitioners Through: Mr. Aly Mirza, Advocate. versus THE ESTATE OFFICER & ANR. Respondents Through: Appearance not given.

+ W.P.(C) 14554/2021 & CM APPL. 45838/2021 SHRI SUBHASH NAYAR & ANR. Petitioners Through: Mr. Manu Nayar, Mr. Nitin Kumar, Ms. Rhea Rao, Ms. Rima Rao, Advocates Mr. Aly Mirza, Advocate. versus THE ESTATE OFFICER & ANR. Respondents Through: Appearance not given.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. At request, list on 17.03.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 c \$~15 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 13366/2009 & CM APPL. 7921/2023 ATUL KUMAR JAIN Petitioner Through: Mr. Pragyan Sharma with Mr. Harshit Vashisht, Advocates.

(M): 9910004533 versus UTI AMC LTD AND ORS Respondents Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing] CM APPL. 7921/2023 (Application on behalf of petitioner under Section 151 CPC containing the prayer for early hearing of the petition and for fixing of a date for hearing of the matter for final disposal)

1. This is an application on behalf of petitioner under Section 151 CPC for early hearing.

2. Issue notice to respondents, returnable on 16.03.2023, in the Regular List.

MINI PUSHKARNA, J FEBRUARY 17, 2023 c \$~1 * IN THE HIGH COURT OF DELHI AT NEW DELHI RANBAXY LABORATORIES LTD. Appellant Through: Mr. Manik Dogra, Mr. Gaurav Yashvardhan, Mr. Manish Bhatt, Mr. Ravi Tyagi, Ms. Sonali Jaitley Bakhshi, Mr. Jaiyesh Bakhshi, Ms. Ayushi Priyadarshini, Mr. Emon Bhattacharya and Mr. Dhruv Pande, Advocates. versus LT. COL. B.M.SINGH (RETD.) (DECEASED) THROUGH ITS LEGAL HEIR SH. BIJENDER SINGH & ANR Respondents Through: Mr. Sanjeev Sindhwani, Sr. Advocate with Mr. Hemant Chaudhri, Mr. Shaurya Pushpam, Advocates for R-1 (Ph. 9810035336, e-mail:

hcclaw@gmail.com) CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. It is seen from the record that written submissions on behalf of the appellant have already been filed. However, written submissions on behalf of the respondents are still awaited.
2. Let the respondents file their written submissions along with the judgments they wish to rely upon before the next date of hearing.
3. List on 26.04.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 PB \$~2 and 3 * IN THE HIGH COURT OF DELHI AT NEW DELHI + RFA 320/2011 and CM APPL. 43875/2022 RAMJI DASS DECD THR LRS Appellants Through: None.

versus JANAK DULARI Respondent Through: Ms. Mishika Bajpai, Advocate for R-1, 2 and 4 (Ph. 9811840277, e-mail:

mishikabajpai15@gmail.com) Mr. Advait Arora, Advocate for R-3 (Ph. 9654444763, e-mail:

khanna.law@gmail.com) DP BHATIA Appellant Through: None.

versus SMT JANAK DULARI DECD THR LRS Respondents Through: Ms. Mishika Bajpai, Advocate for R-1, 2 and 4.

Mr. Advait Arora, Advocate for R-3.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. Learned counsels appear for the legal heirs of the original respondent.
2. None appears for the appellants when the matter is called out.
3. Re-notify on 25.04.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 PB \$~4 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 4146/2008 OM PRAKASH SHUKLA Petitioner Through: Mr. Sachin Bajpai, Ms. Sonam Priya, Mr. Anurag Mishra, Advocates (Ph.9975492578, e-mail: sachin_bajpai@hotmail.com) versus THE COMMISSIONER (INFORMATION) GOVT. OF

MANIPUR & ORS Respondents Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. The office noting shows that respondent No. 3 has been served. The service report of respondent Nos. 1 and 2 is shown to be awaited.
2. Learned counsel for the petitioner submits that respondent Nos.1, 2 and 3 are basically the Government of Manipur. He submits that earlier also, only one counsel was appearing for all the three respondents.
3. It is seen from the record that only one Advocate was representing all the respondents and no separate appearance has been marked for different respondents in the previous ordersheets.
4. In that view of the matter, once respondent No. 3 has been served, all the respondents have been served.
5. None appears for the respondents despite service.
6. In view of the submissions as made in the present application, the same is allowed.
7. List the present matter in the 'Advance List' for final hearing on 12.05.2023.
8. The parties are at liberty to file written submissions along with the judgments they wish to rely upon before the next date of hearing.

MINI PUSHKARNA, J FEBRUARY 17, 2023 PB \$~17, 18, 20 to 25 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 2097/2023 SHRI ISHWAR SINGH BHARDWAJ & ORS. Petitioners versus GOVT. OF N.C.T. OF DELHI THROUGH LAND ACQUISITION COLLECTOR NORTH Respondent + W.P.(C) 2099/2023 SHRI RAMESH KUMAR & ORS. Petitioners versus GOVT. OF N.C.T. OF DELHI THROUGH LAND ACQUISITION COLLECTOR NORTH Respondent + W.P.(C) 2103/2023 SHRI JAI BHAGWAN & ORS. Petitioners versus GOVT. OF N.C.T. OF DELHI THROUGH LAND ACQUISITION COLLECTOR NORTH Respondent + W.P.(C) 2108/2023 SHRI MAHAVIR SINGH & ORS. Petitioners versus GOVT. OF N.C.T. OF DELHI THROUGH LAND ACQUISITION COLLECTOR (NORTH) Respondent + W.P.(C) 2109/2023 SHRI OM DUTT & ANR. Petitioners versus GOVT. OF N.C.T. OF DELHI THROUGH LAND ACQUISITION COLLECTOR NORTH Respondent + W.P.(C) 2110/2023 SHRI RANDHIR SINGH & ORS. Petitioners versus GOVT. OF N.C.T. OF DELHI THROUGH LAND ACQUISITION COLLECTOR NORTH Respondent + W.P.(C) 2120/2023 ATTAR SINGH & ORS. Petitioners versus GOV T. OF N.C.T. OF DELHI THROUGH LAND ACQUISITION COLLECTOR

NORTH Respondent + W.P.(C) 2124/2023 SHRI YOGINDER SINGH & ORS. Petitioners versus GOVT. OF N.C.T. OF DELHI THROUGH LAND ACQUISITION COLLECTOR NORTH Respondent Petitioners represented by - Mr. Alok Kumar and Ms. Rachana Dalal, Advocates (Ph. 7082348017, e-mail:

chamberofdalal@gmail.com).

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. The present writ petitions have been filed with prayer for directions to the respondents to pay Special Rehabilitation Package to the petitioners in the same manner and on the same terms as has been paid to similarly situated villagers of Villages Pooth Khurd, Sultanpur, Karala and Kanjhawala, whose land has also been acquired at the same time when the land of the Petitioners has been acquired.
2. It is the case of the petitioners that they are the co-sharers of the land of various Khasra numbers, situated in Revenue Estate of Village Tikri Khud, Delhi.
3. A Notification under Section 4 of the Land Acquisition Act, 1894 was issued showing intention to acquire the land of the various Khasra numbers of the village in question. The Declaration under Section 6 of the Land Acquisition Act, 1894 was issued on 22.02.2007. This was followed by Award dated 16.02.2009 bearing Award No.10 of 2008-09/DC/NW of Village Tikri Khurd.
4. It is the case of the petitioner that a Writ Petition being W.P.(C) No. 537/2010 was filed before this Court for seeking payment of compensation amount and also the amount of Special Rehabilitation Package. However, no payment for Special Rehabilitation Package was made. Thus, it is submitted that by judgment dated 27.09.2011 in W.P.(C) No. 537/2010, directions were given by this Court to the Revenue Authorities to offer payment of Special Rehabilitation Package to the various persons who were inhabitants of the village in question, in terms of the office order dated 01.10.2008 of the respondents.
5. It is submitted that since the judgment dated 27.09.2011 passed by this Court in W.P.(C) No. 537/2010 was not complied with, a Contempt petition being Contempt Case (Civil) No. 929/2011 titled as 'Ashwani Kumar Vs. Lal Singh and Another' and Contempt Case (Civil) No.201/2012 titled as "Rohtas Vs. Vijay Dev & Another"

came to be filed. It is submitted that the said Contempt Cases came to be disposed of with liberty to raise claims with respect to the difference of amounts payable to the petitioners herein.

6. It is submitted that Writ Petition (Civil) No. 8823/2017 was disposed of by this Court by judgment dated 18.08.2022. By the said judgment, co-ordinate Bench of this Court had allowed the writ petitions, thereby directing the Authorities to make the payment of Special Rehabilitation Package in the same manner as has been made qua other aforesaid villages. It is further submitted that this Court in the said judgment dated 18.08.2022 in W.P.(C) No. 8823/2017 has recorded a definite finding that there is discrimination qua village in question i.e. Village Tikri Khurd with regard to the calculation, which has been made qua other four villages, namely, Pooth Khurd, Sultanpur, Karala and Kanjhawala.

7. Learned counsel for the petitioners further submits that a similar Writ Petition being W.P.(C) No. 1136/2023 was filed, in which notice has already been issued and the same is pending consideration before this Court on 29.05.2023.

8. In view thereof, issue notice to the respondent.

9. Let reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

10. List along with W.P.(C) No. 1136/2023 on 29.05.2023.

MINI PUSHKARNA, J FEBRUARY 17, 2023 PB \$~26 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 1628/2017 and CM APPL. 7267/2017, 27278/2017, MEDICAL COUNCIL OF INDIA Petitioner Through: Mr. T. Singhdev and Mr. Abhijit Chakravarty, Advocates (Ph. 8130033159, e-mail: chakravartylegal@gmail.com). versus CHIEF INFORMATION COMMISSION AND ORS Respondents Through: Mr. Sachin Jain and Mr. Ajay Kumar Agarwal, Advocate for R-2 (Ph. 9818544445, e-mail:

sachinjain@lawyer.com).

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. The present matter has been received on transfer and has been marked to this Court. There is a joint request by both the parties for accommodation.

2. In view thereof, re-notify on 06.04.2023.

3. Interim orders to continue.

MINI PUSHKARNA, J FEBRUARY 17, 2023 PB \$~19 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 2102/2023 NISHA JAIN Petitioner Through: Mr. V.P. Dabas, Advocate. versus CHIEF SECRETARY, GNCTD OF DELHI & ORS. Respondents Through: Mr. Shourya

Dasgupta, Advocate for Mr. Shadan Farasat, ASC (Ph. 8017061359, e-mail: sdasgupta@farasatlaw.com) CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA ORDER % 17.02.2023 [Physical Hearing/ Hybrid Hearing]

1. The present writ petition has been filed with prayer for directions to the respondent No. 2 i.e. Revenue Assistant/ SDM Kanjawala to dispose of the corrigendum/rectification application dated 11.02.2022 filed vide diary No.2084. The said application has been filed by the petitioner with prayer for rectification of the final order dated 24.01.2022 in terms of the order as passed on 12.03.2021 in case no. 274/RA/SDM/SV/1997.

2. It is the case on behalf of the petitioner that land in question was purchased by father-in-law of the petitioner. Subsequently, the patwari concerned made a report dated 10.02.1994 with respect to violation of Section 81 of Delhi Land Reforms (DLR) Act, 1954 in regard to Khasra No. 351 Min (0-15) & 352 Min (0-09). Show cause notice was issued to the recorded owner i.e. Sh. Kimti Lal Jain on 03.10.1994. It is submitted that the conditional order dated 08.09.1997 was passed by the court of SDM (Saraswati Vihar) in Case No. 274/RA/SV/97 after taking actual spot inspection report from the Halka Patwari report dated 12.02.1997.

3. It is the case of the petitioner that the recorded owner i.e. Sh.

Kimti Lal Jain executed Gift Deed after taking NOC in favour of his daughter- in-law i.e. Smt. Nisha Jain, the petitioner herein.

4. It is submitted that the concerned Patwari submitted the field inspection report with photographs clearly stating that the Khasra No.351 min (0-15) & 352 min (0-09) was vacant land. The petitioner installed electricity connection in her name on 14.08.2020. Subsequently, SDM submitted a spot inspection report dated 09.12.2020 along with sizra/ map of the field in question. The petitioner filed her detailed reply on 18.01.2021 and the matter was fixed for final arguments on 12.03.2021.

5. It is submitted that vide order dated 12.03.2021, the concerned SDM pronounced the judgment. Thus, by order dated 12.03.2021, it was recorded that Khasra No. 351 to the extent it is built up with farm house as per Halka Patwari report, is vested in Gram Sabha. Thus, the proceedings were dropped vide order dated 12.03.2021 passed by the SDM.

6. It is the case of the petitioner that the SDM passed a detailed order subsequently on 24.01.2022, whereby it was stated that the land of the petitioner of Khasra No. 351 (0-15) was vested in Gram Sabha, Sawda contrary to the order of pronouncement dated 12.03.2021.

7. Thus, noting the aforesaid discrepancy, the petitioner moved a corrigendum/rectification application dated 11.02.2022, thereby requesting the SDM to rectify the judgement dated

24.01.2022 in terms of what was reflected in the order sheet dated 12.03.2021.

8. It is the case on behalf of the petitioner that till date, the said application of the petitioner is pending disposal despite many personal visits by the petitioner as well as her Advocate. The concerned SDM has not taken any action.

9. Issue notice.

10. Notice is accepted by learned counsel appearing for all the respondents. Learned counsel submits that the application of the petitioner shall be dealt with on merits expeditiously and in accordance with law.

11. In that view of the matter, the present writ petition is disposed of with directions to the respondents to decide the application of the petitioner at the earliest preferably within three months from today. Further, the petitioner is also given liberty to file any other additional documents or any other fresh application in this regard.

12. In case the petitioner is aggrieved by any order that may be passed by the concerned SDM, the petitioner is at liberty to seek remedy, as per law.

13. Needless to say, this Court has not expressed any opinion on the merits of the case.

14. Petition is disposed of in terms of the aforesaid.

MINI PUSHKARNA, J FEBRUARY 17, 2023 PB