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

+ **W.P.(C) 4119/2024 & CM APPL. 16812/2024**

SANT RAM & ORS.

..... Petitioners

Through: Mr. J.K. Jain and Mr. Urvesh
Bhardwaj, Advs.

versus

GOVT OF NCT DELHI

..... Respondent

Through: Mr. K. Bhardwaj, ASC (GNCTD)
with Mr. Rajesh Jain, Mr. Shukham Singh and Mr.
Rajat Gaba, Advs.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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18.03.2024

(The proceeding has been conducted through Hybrid Mode)

1. This writ petition is filed under Article 226 of the Constitution of India seeking following relief:-

“This Hon’ble Court may be pleased to issue appropriate writ, order or direction thereby quashing the order dated 6.2.2024 passed by Id. Financial Commissioner, Delhi in case No.22/2022 titled: SANT RAM & OTHERS VS.. CONSOLIDATION OFFICER/ TEHSILDAR and for issue of a Writ, order or direction in the nature of Mandamus or any other writ, order or direction thereby directing the respondent/ Consolidation Officer to make allotment in lieu of land in khasra No.154 admeasuring 1 bigha 15 biswas situated in village Iradat Nagar @ Naya Bans, Delhi”.

2. To the query as to how the present writ petition containing disputed questions of fact can be entertained by this Court as also in view of the fact that a notification urbanising the land at Village Khera Khurd was issued on 16.05.2017 under Section 507(a) of the DMC Act, 1957, Mr. J.K. Jain, learned counsel appearing for the



petitioner refers to the order passed by this Court on 20.12.2023 in W.P.(C) 16505/2023 whereby in similar circumstances the petition was disposed of directing the respondent no.3 therein i.e., the Consolidation Officer to consider the representation pending before him in respect of the such lands and decide the same within a stipulated period of time.

3. Mr. Rajesh Jain, learned counsel appearing for respondent submits that the present case pertains to disputes which are factual in nature and as such the present writ petition cannot be maintained before this Court.

4. Be that as it may, issue notice.

5. Mr. Rajesh Jain, learned counsel for respondent accepts notice.

6. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.

7. List before the Registrar for completion of pleadings on 29.05.2024.

8. The respondents are at liberty to take the objections in respect of as to whether the present petition on the disputed questions of fact can be maintained before this Court in their counter affidavit.

9. Mr. Jain, learned counsel for the petitioner refutes the said submission and counters by urging that there are no disputed questions of fact arising in the present case.

TUSHAR RAO GEDELA, J

MARCH 18, 2024/ns