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

+ **W.P.(C) 6199/2024 & CM APPL. 25849/2024**

SH. PREM CHAND JAIN Petitioner

Through: **Mr. V. P. Rana, Advocate**

versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Through: **Mr. Prashant Manchanda, ASC with
Ms. Nancy Shah, Advocates for R-1
& R-2.**

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

02.05.2024

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(The proceeding has been conducted through Hybrid Mode)

1. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

*“a) quash & set aside the order dated 07.12.2010 passed in Case NO. M-23/CO/SV under Section 43(A) by the Respondent No.2 in respect of Industrial Plot No. 143/1019; and/or
b) order dated 07.03.2013 in Case No. 126/2013/CO(K) under Section 43(A) may also be set aside as a consequence of allowing of prayer (a); and/or”*

2. Mr. V. P. Rana, learned counsel appearing for the petitioner submits that the only issue raised in the present petition is on the question of law as to whether under the provisions of 43(A) of East Punjab Holding (Consolidation and Prevention of Fragmentation) Act,



1948, can the consolidation officer change the allotment which was hitherto before been granted in favour of the petitioner to that of respondent no.3. He submits that the same is violative of not only provisions of Section of 43(A) on the aforesaid Act but also against the ratio laid down by the Supreme Court in ***Rajender Singh Vs. Govt. (NCT) of Delhi & Ors.*** reported in **2016 4 SCC 726** as also the Coordinate Bench of this Court in ***Rishi Prakash & Ors. Vs. The Financial Commissioner & Ors.*** reported in **2009 (110) DRJ 14.**

3. Issue notice.

4. Notice is accepted by Mr. Manchanda, learned counsel appearing for the respondent nos 1 & 2.

5. Upon petitioner taking steps within one week, notice be also issued to respondent no.3 by all permissible modes.

6. Counter affidavit, if any, be filed within six weeks with an advance copy to learned counsel for the petitioner. Rejoinder, thereto if any, be filed within four weeks, thereafter, with an advance copy to learned counsel for the respondent.

7. List on 12.08.2024 before the Registrar for completion of service as also pleadings.

8. In the meanwhile, status quo as obtaining today in respect of possession and title shall be continued till the next date of hearing.

TUSHAR RAO GEDELA, J

MAY 2, 2024

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