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

+ **W.P.(C) 8141/2024**

SH. CHAND AND ORS

..... Petitioner

Through: Mr. Anshuman Upadhyay and Ms.
Sunanda Chowdhury, Advocates

versus

THE CONSOLIDATION OFFICER AND ORS Respondent

Through: Ms. Paruni Sharma for Mr. Prashant
Manchanda, ASC for R-1 to 3 and 6.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **29.05.2024**

(The proceeding has been conducted through Hybrid Mode)

CM APPL. 33437/2024

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 33438/2024

3. This is an application under Section 151 CPC, 1908 seeking condonation of delay in re-filing the present writ petition.
4. For the reasons stated in the application, the delay of 19 days is condoned.
5. The application stands disposed of.

W.P.(C) 8141/2024, CM APPL. 33436/2024 (Stay) & CM APPL. 33439/2024 (Permission to file Lengthy List of Dates)

6. This is a writ petition under Article 226 of the Constitution of India

W.P.(C) 8141/2024

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inter alia seeking the following prayers:-

“i. Set aside the Judgment/Order dated 04.08.2022 passed by the Learned Financial Commissioner, Delhi in three Revision Petitions bearing Case No. 125/2011-CA, Case No. 126/2011-CA and Case No. 252/2016;

ii. Adjudge and declare the mutation executed on 13th July 1998 by the Consolidation Officer as unlawful, null, and void ab initio, and consequently declare all subsequent actions and proceedings undertaken by Respondents No.1 to 3 predicated upon said mutation are illegal, void, and irregular;

iii. Direct the Respondents Nos.1, 2 and 3 to make the record of the repartition of the Holdings of the Petitioners at the time of the notification as contained in Annexure P/2 and proceed further in accordance with the East Punjab Holdings (consolidation and prevention of fragmentation) Act 1948;”

7. Issue notice.
8. Notice accepted by Ms. Paruni Sharma for Mr. Prashant Manchanda, learned ASC for respondent nos. 1 to 3 and 6.
9. Counter affidavit be filed within six weeks. Rejoinder thereto, if any, within two weeks, thereafter.
10. On petitioners taking steps within a week, notice be issued to respondent nos. 4 and 5 by all permissible modes.
11. Counter affidavit and rejoinder be filed within the same timeline from the date of service.
12. After hearing the submissions of learned counsel for the petitioner, though the petitioners are not in possession, however, it is deemed appropriate to direct the *status quo* as obtaining today in respect of title and possession be maintained, till the next date of hearing.



13. The private respondent nos. 4 and 5 are at liberty to file an application seeking variation of aforesaid interim orders being passed, under any changed circumstances.

14. List on 11.09.2024 before the Registrar for completion of service as also pleadings.

TUSHAR RAO GEDELA, J

MAY 29, 2024

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