

CS SCJ 1050-22 INDERJEET SINGH Vs. THE UNION OF INDIA

27.02.2025

Present: - Sh. Praveen Suri, Ld. counsel for plaintiff through VC.
Sh. Sagar Nandwani, Ld. proxy counsel for plaintiff along with plaintiff.
Sh. Neeraj Sharma, Ld. proxy counsel for defendant no.1 and 2.
Ms. Pooja Chhabra, Ld. counsel for applicant.
Sh. Akash Gupta, Ld. counsel for defendant no.3 to 5/ MCD through VC.
Sh. Bipin Kumar Singh, Deputy Land & Development Officer, L&DO.

It is submitted by Ld. proxy counsel for defendant no.1 and 2 that they do not have any documents with respect to any proceedings having been initiated with respect to the property in question under the Public Premises Act.

Upon enquiry from defendant no.1 and 2 as to on what basis, it has been mentioned in the WS supported by an affidavit of the concerned official that the present suit is not maintainable being covered under Public Premises Act, it is stated that same is evident upon the bare reading of the provision and there are no documents to that effect. It is stated that defendant no.1 and 2 are in fact not required to place any material on record since they are empowered to take action as per law.

Upon further enquiry from Ld. proxy counsel for defendant no.1 and 2 as to whether he is authorized to argue in the present matter since there is no vakalatnama/BTF in his favour, it is stated that he has oral authority of the concerned official of L&DO and the statement of the official present in the Court may be recorded to this effect. Sh. Bipin Kumar Singh has been directed to give statement under oath to this effect, however, he is denying to give the statement stating that he has been recently appointed as the Deputy Land & Development Officer and he cannot give the

statement without instructions and further needs 3 weeks time. At this stage it is further submitted by Ld. proxy counsel for defendant no.1 and 2 that the present matter may be transferred to another Court. They have liberty to have recourse to the remedy available to them as per law. As far as proceedings in the present matter before this Court is concerned, this Court will proceed as per law.

It is pertinent to mention that perusal of the written statement filed on behalf of defendant no.1 and 2 and conduct of their officials transpires that they are operating in absolutely irresponsible manner despite having been filed an affidavit along with the WS of the then Deputy Land & Development Officer.

In light of the conduct of L&DO, let Director, L&DO remain present in Court on next date of hearing and show cause why action be not taken against them for making such submissions in the WS along with the supporting affidavit.

Further, vide order dated 13.01.2025, they were burdened with a cost of Rs.5,000/- to be paid to the opposite side along with the compliance as last and final opportunity. Defendant no.1 and 2 are further burdened with a cost of Rs.15,000/-, out of which let Rs.5,000/- be paid to the plaintiff side and Rs.10,000/- be deposited in DLSA-West.

Deputy Land & Development Officer, L&DO is bound down to appear on next date of hearing.

Further arguments have been heard upon the maintainability of the suit.

Put up for compliance by defendant no.1 and 2 and orders on **26.03.2025**.

Let copy of order be given dasti to the official of L&DO for compliance.

DISHA SINGH
C.J-02, West, THC, Delhi
27.02.2025