

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

08.04.2025

Present: - Sh. Praveen Suri, Ld. counsel for plaintiff along with plaintiff.
Sh. Vivek Jain, Ld. counsel for defendant no.1 and 2 along with Sh. M.K. Gupta, Deputy Director, L&DO.
Sh. Akash Gupta, Ld. counsel for defendant no.3 to 5.
Ms. Pooja Chhabra, Ld. counsel for the applicants through VC.

Brief transmission form filed on behalf of defendant no.1 and 2. Be taken on record.

Three documents have been filed on behalf of defendant no.1 and 2 running into 25 pages. Further affidavit of compliance towards show cause notice from the concerned official of defendant no.1 and 2 along with the request letter of Director, L&DO has also been filed seeking exemption from personal appearance. Copy supplied to opposite side.

Further, exemption application filed on behalf of Director, L&DO on the ground of administrative work. Same is allowed in the interest of justice.

Further, an application filed on behalf of defendant no.1 and 2, firstly seeking waiver of cost imposed upon defendant no.1 and 2 for a sum of Rs.20,000/- in toto vide order dated 13.01.2025 and 27.02.2025. Further, vide the same application, defendant no.1 and 2 is further seeking review/recall of observations in orders dated 07.04.2025 and 09.10.2024. Further, defendant no.1 and 2 have also sought that the show cause notice issued upon the concerned official may be vacated. Copy supplied to the opposite side.

Ld. counsel for plaintiff has straightaway advanced arguments on the said application.

Both the sides have argued on above said application. Record perused and considered, firstly with respect to the submission of Ld. counsel for defendant no.1 and 2 that in order dated 09.10.2024, it has been inadvertently mentioned that “on the ground that proceedings U/s 15 of PP Act have been initiated qua the suit property”, the same should have been U/s 4 and 5 of the PP Act since Section 15 of the PP Act pertains to the bar of jurisdiction of Civil Courts. Same stands rectified. It is further pertinent to mention that the reference to Section 15 of PP Act was made in reference to the objection taken on behalf of defendant no.1 and 2 in their WS to the effect that this Court does not have the jurisdiction owing to Section 15 of the PP Act.

Further, with respect to the objection of Ld. counsel for defendant no.1 and 2, in order dated 07.04.2025 and 19.10.2024, wherein it has been stated that “the documents as stated in the WS purportedly to have been annexed with the WS be filed by next date of hearing”, in this regard, it is submitted by Ld. counsel for defendant no.1 and 2 that no where in the WS it is mentioned that no such documents have been annexed therewith. However, be that as it may for the same reason defendant no. 1 and 2 are directed to file the necessary documents with respect to the proceedings, if any, which have been initiated with respect to the suit property i.e. property no.22/1, Double Storey, Prem Nagar, Jai Road, Delhi-110058 under the Public Premises Act, so that this Court may decide with respect to the objection of lack of subject matter jurisdiction with this Court; since, the same goes to the root of the matter. Accordingly, same also stands rectified/clarified.

Now coming to the prayer with respect to cost waiver, same is disposed off as dismissed having regard to the conduct of defendant no.1 and 2, which already forms part of the record in all the previous order sheet and the same is not being reiterated for the sake of brevity. Defendant no.1 and 2 are directed to pay/ deposit the cost in view of the concerned order within two weeks from today.

Now coming to the prayer with respect to the vacating of the show cause notice issued upon the concerned official vide order dated 13.01.2025 and order dated 07.04.2025. With respect to the show cause notice issued, this Court has gone through the content of the affidavit dated 08.04.2025 filed under the hand of Sh. M.K. Gupta, Deputy Director, L&DO. In the interest of justice, the show cause notice is deemed to be complied with in light of the documents filed in the Court today. Accordingly, the show cause notice stands satisfied requiring no further action as well as the physical presence of the concerned official.

It is pertinent to mention that maintainability of the suit is yet to be decided, however, prior to deciding the same, the restoration application of the applicants with respect to their application U/O 1 Rule 10 CPC, which was dismissed in default for non-prosecution will be heard first.

Put up for arguments on the restoration application of the applicants on **28.05.2025**.

DISHA SINGH
C.J-02, West, THC, Delhi
08.04.2025