



\$~45

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

%

*Date of Decision : 27.03.2026*

+ **LPA 157/2026**

PROF. (RTD.) DESH BANDHU .....Appellant

Through: Mr. Ajay Kumar, Advocate.

versus

SCHOOL OF PLANNING AND ARCHITECTURE, NEW DELHI  
AND ANR. ....Respondents

Through: Mr. Anshuman Mehrotra with Mr.  
Ankur Chhibber, Advocates for R-1.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TEJAS KARIA**

**TEJAS KARIA, J. (Oral)**

**CM APPL. 19097/2026 (for exemption)**

1. Allowed, subject to all just exceptions.
2. The Application stands disposed of.

**LPA 157/2026**

3. This Appeal has been preferred against the order dated 27.02.2026 (“**Impugned Order**”) passed in W.P.(C) No. 2844/2026 (“**Writ Petition**”), whereby the Writ Petition was dismissed on the ground that the Appellant was trying to re-open the very same issue, which was abandoned earlier in W.P.(C) No. 10752/2025 (“**Earlier Writ Petition**”) disposed of *vide* order dated 08.08.2025.



4. The Appellant has challenged the Impugned Order on the ground that the learned Single Judge failed to appreciate that while disposing the Earlier Writ Petition, a liberty was granted to the Appellant to approach the Respondent for sympathetic consideration of this case. However, when the representation was made by the Appellant to the Respondent pursuant to the order dated 08.08.2025 passed in the Earlier Writ Petition, the said representation was rejected by the Respondent *vide* letter dated 19.01.2026 without giving any valid reason by merely stating that “*your request is rejected, until there is a specific direction from the Court of law*”.
5. It is submitted on behalf of the Appellant that the learned Single Judge while disposing of the Writ Petition did not consider the prayer clause (b) of the Writ Petition seeking direction against the Respondent for quashing the order dated 19.01.2026, whereby instead of sympathetically considering the representation made by the Appellant pursuant to the order dated 08.08.2025 passed in the Earlier Writ Petition, the Respondent rejected the same in absence of any specific direction from the Court of law.
6. The learned Single Judge in the Impugned Order has observed that while disposing of the Earlier Writ Petition, the Court merely observed that it would be open to the Respondent to consider any request for “sympathetic consideration”, however, no right was reserved in favour of the Appellant nor any liberty was granted to reagitate the same cause, which was unconditionally withdrawn by the Appellant in the Earlier Writ Petition.
7. In absence of any specific liberty granted to the Appellant for making representation on merits to the Respondent, the rejection of the representation made on the sympathetic grounds cannot give the Appellant a



right to re-open the very same issue and obtain the very same relief, which was abandoned by the Appellant in the Earlier Writ Petition.

8. A perusal of the order dated 08.08.2025, whereby the Earlier Writ Petition was disposed of, clearly shows that the Appellant decided to withdraw the Earlier Writ Petition in view of the document dated 24.09.1987 annexed to the counter affidavit and sought liberty to approach the Respondent for sympathetic consideration. This demonstrates that the withdrawal was not to approach the Respondent to consider the representation of the Appellant on merits as the Appellant had already withdrawn the Earlier Writ Petition in view of the position taken by the Respondent and the document annexed along with the counter affidavit filed by the Respondent in the Earlier Writ Petition. The only liberty sought was to approach the Respondent for sympathetic consideration and this Court had observed that it is open for the Respondent to consider such a request notwithstanding the order dated 08.08.2025 passed in the Earlier Writ Petition.

9. Accordingly, the issues raised by the Appellant in the Earlier Writ Petition stood finally resolved in view of the stand taken by the Appellant to unconditionally withdraw the Earlier Writ Petition in view of a particular document produced along with the counter affidavit filed by the Respondent. The only avenue available for the Appellant was to approach the Respondent for sympathetic consideration and it was open for the Respondent to consider or reject the request notwithstanding the order of withdrawal of the Earlier Writ Petition by the Appellant.



10. When the Appellant approached the Respondent for sympathetic consideration, the Respondent rejected the representation on the ground that there was no specific direction from a Court to consider such a representation. The Appellant is aggrieved by the rejection of the representation as the same was not considered on sympathetic grounds, but came to be rejected on the ground of lack of specific direction from the Court.

11. Regardless of the reason given for the rejection of the representation, it would not give a fresh cause of action to the Appellant to re-agitate the same issue that was raised and abandoned in the Earlier Writ Petition. The prayers in the Writ Petition are identical to the Earlier Writ Petition. Therefore, although the sympathetic representation was not considered on the ground of lack of specific direction from a Court, the same cannot be challenged by way of the Writ Petition as the order dated 08.08.2025 disposing of the Earlier Writ Petition only recorded the submission on behalf of the Appellant that he would approach the Respondent for sympathetic consideration and it was clarified that if the Appellant approached the Respondent, it shall be open for the Respondent to consider such request despite the order of withdrawal of the Earlier Writ Petition. Accordingly, there was no direction to the Respondent to consider the representation of the Appellant on sympathetic grounds and failure by the Respondent to do so, does not amount to violation of any direction giving any right to the Appellant to approach this Court.

12. Accordingly, the Impugned Order, dismissing the Writ Petition as not maintainable on the ground that the limited observation permitting the



Respondent to consider the matter sympathetically did not confer any enforceable right, nor did it preserve liberty to institute fresh proceedings on the same cause of action, is entirely justified. We concur with the finding of the learned Single Judge in the Impugned Order.

13. Accordingly, the present Appeal is dismissed. There shall be no order as to costs.

**TEJAS KARIA, J**

**DEVENDRA KUMAR UPADHYAYA, CJ**

**MARCH 27, 2026**

*ap*