

SH MAHAVEER SINGH AND ORS Vs. UOI

30.01.2025

Present: Sh. Ravinder Singh Sh. Manish Tanwar, Id. Counsel for the D.Hs.
Ms Vasu Singh, Id. Counsel for the MCD alongwith
Sh. Sanjay Rai, ASO Land and Estate Department.
Sh. Pawan Kumar, Id. Counsel for UOI

Ld. Counsel for the MCD submits that the deposited 50% compensation amount may not be released to the DH as the land is public utility land. She further submits that as per case of the MCD the land is Sham Lat Deh land and DH holders are not the owners of the said land and they are not entitled for the said land. Ld. Counsel for the MCD further submits that the land has been urbanized and once it is urbanized the village owners has no right on the said land. Ld. Counsel for the MCD further submits that MCD has filed objections in the present case as per procedure.

Vide order dated 13.09.2023, the Hon'ble High Court of Delhi, has directed this court to release the deposited 50% decretal amount to the respondent, landlords, who are DHs in the present case subject to furnishing of adequate security, verification and in accordance with rules. This order has been passed in the presence of JDs. So, in the opinion of the court, JDs are also bound by the order of the Hon'ble High Court of Delhi.

There is no just reason with MCD for stopping this court from complying the order dated 13.09.2023, passed by Hon'ble High Court of Delhi, if Id. Counsel for the MCD has any grievance against

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the above said order of the Hon'ble High Court of Delhi then the MCD has the right to seek appropriate remedies before the Hon'ble High Court of Delhi against the said order and not before this court. Ld. Counsel for MCD, being an officer of the court has also duty to assist the court as per law.

At present there is no stay on the order dated 13.09.2023, passed by the Hon'ble High Court of Delhi, therefore, the 50% decretal amount is ordered to be released to the DHs, who are respondents before the Hon'ble High Court of Delhi, on furnishing of adequate security of the amount of compensation amount, furnishing documents regarding their identity and complying the other requisite requirements.

The 50% decretal amount of the DHs be called from SBI, Tis Hazari by way of cheque in the name of the Dhs.

Let report be also called from Commissioner MCD regarding stand of the MCD for objecting and making submissions in this court for not complying the above said order of Hon'ble High Court of Delhi and by way of which the MCD is also indirectly committing violation of the order of the Hon'ble High Court of Delhi.

Copy of this order be sent to Commissioner MCD, for filing his report.

Put up for further proceedings on 20.03.2025.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
30.01.2025