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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4042/2024

JAI PAL SINGH TYAGI & ORS.

..... Petitioners

Through: Mr. J.K. Jain and Mr. Urvesh
Bhardwaj, Advocates.

versus

GOVT OF NCT DELHI & ORS.

..... Respondents

Through: Mr. Ankur Yadav, SPC for R-2.
Mr. Sanjay Katyal, Standing Counsel
for DDA with Mr. Nihal Singh,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

18.03.2024

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(The proceeding has been conducted through Hybrid Mode)

1. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

“It is, therefore, respectfully prayed that the Hon'ble Court may kindly be pleased to pass appropriate writ, order or directions in the nature of mandamus directing the respondents to return possession of the unacquired land bearing Khasra No. 106 /71 / (2 bigha 01 biswas) with demarcated passage, situated in village Burari, Delhi or direct the respondents to compulsorily acquire the a-foresaid land if possession of the unacquired land cannot be restored back to the petitioners and pay compensation as per prevailing law i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 to the petitioners.

Hon'ble Court may pass any other or further order and deemed fit and proper in the facts and circumstances of the case.”

2. It is the case of the petitioner that the subject land is surrounded by a biodiversity park from all four sides. He submits that the said



land was never acquired by the respondents. He also submits that by way of the present writ petition, the petitioner seeks a direction to the respondents that either they acquire the said land and pay appropriate compensation in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or provide a passage to access his said subject land for ingress and egress.

3. Issue notice.

4. Notice is accepted by Mr. Ankur Yadav, learned SPC appearing for respondent No.2 and by Mr. Sanjay Katyal, learned Standing Counsel appearing for DDA.

5. Upon the petitioner taking steps within a week, let notice be also issued to respondent No.1 by all permissible modes.

6. Counter affidavit, if any, be filed within six weeks from the date of service with an advance copy to learned counsel for the petitioner. Rejoinder, thereto if any, be filed within four weeks, thereafter, with an advance copy to learned counsel for the respondents.

7. List on 30.05.2024 before the Registrar for completion of pleadings as also service.

TUSHAR RAO GEDELA, J

MARCH 18, 2024/nd