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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6094/2023 & CM APPL. 23907/2023**
THE EAST END APARTMENTS COOPERATIVE..... Petitioner

Through: Mr. Suresh Chandra Sharma
with Mr. Bipin Kumar,
Mr. Sandeep Kumar Mishra,
Mr. Amit P and Mr. Ranvir
Singh, Advocates.
(M): 9582695868

Email: amitprakashshahi@gmail.com

versus

THE LAND AND BUILDING DEPARTMENT AND
ORS Respondents

Through: Mr. Yeeshu Jain, Standing
counsel with Ms. Jyoti Tyagi
and Ms. Manisha, Advocates
for respondent no. 1 and 2.
(M): 9811394417
Email: yeeshujain@yahoo.co.in
Mr. Mayank Grover, Advocate
for respondent no. 3/DMRC.
(M): 9810579180
Email: mayank297@gmail.com
Mr. Ashim Vachher, Standing
counsel with Mr. Kunal Lakra,
Advocate for respondent no.
4/DDA.
(M): 9811023217

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.05.2023

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[Physical Hearing/ Hybrid Hearing]

**CM APPL. 23907/2023 (Application under Section 151 CPC for
exemption from filing of true typed copy of**



dim/illegible/handwritten/certified copy of annexures)

1. Allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 6094/2023

3. The present writ petition has been filed with prayer for seeking direction to the respondent no. 3 to initiate and complete the formal land acquisition process and grant appropriate compensation along with mesne profits and user charges to the petitioner for land measuring 635.79 Sqm, as per the circle rate.
4. It is the contention on behalf of the petitioner that the petitioner was the owner of the land in question. The said land was required by the DMRC/respondent no. 4 for construction of the Indraprastha-Ashok Nagar corridor of Delhi MRTS Project, Phase-II.
5. It is submitted that since the respondents were in urgent need of land for construction of the metro station, the petitioner society, showing its good will gesture agreed to provide the land to the respondent no.3 without any formal acquisition process.
6. It is submitted that despite lapse of a long time and despite utilization of the land of the society, the formal acquisition process has not been completed and compensation has not been paid to the society as yet.
7. Issue notice.
8. Notice is accepted by learned counsels appearing for respective respondents.
9. Learned counsel appearing for respondent no. 4/DDA submits that DDA has no role in the matter, as neither any acquisition is



proposed on behalf of DDA, nor the land in question is for utilization of the DDA.

10. In view thereof, learned counsel appearing for the petitioner submits that he has no objection if DDA is deleted from the array of parties.

11. In view thereof, DDA is deleted from the array of parties.

12. Learned counsel appearing for respondent no. 3/DMRC submits that the land already stands utilized. However, the acquisition process is to be initiated by respondent no. 1 and 2. He further submits that compensation shall be paid by respondent no. 3/DMRC, in view of the compensation amount, as calculated by respondent no. 1 and 2 at the time of acquisition.

13. Ms. Jyoti Tyagi, learned counsel appearing for respondent no. 1 and 2 submits that she needs time to take instructions with respect to formal acquisition of the land in question.

14. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

15. List on 11.09.2023.

MINI PUSHKARNA, J

MAY 10, 2023

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