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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7658/2024**
SUMAN JAIN

..... Petitioner

Through: Mr.Manmohan Swsaroop and
Ms.Sanyogita Swaroop, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Sanjay Kumar Pathak, SC,
Mr.Sunil Kumar Jha, Mr.M.S.Akhtar,
Ms.Nidhi Thakur and Mr.Mayank
Arora, Advocates for R1.
Mr.Roshan Lal Goel and Ms.Anju
Gupta, Advocates for MCD/R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **27.05.2024**

CM APPL. 31897/2024(Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the petition with the following prayers: -

“a. Declare the acquisition proceedings initiated under the Land Acquisition Act, 1894 in award no.1/2008-09, GT Road Shahdara with regard to the acquisition of petitioner’s 97.78 sq. Yards land, out of Khasra no.1936/50, Khewat no.724 and Khata Khatoni no.773, situated at G. T. Road, in the abadi of Kabool Nagar, Main G.T. Road, Illaqua Shahdara, Delhi-110095 be deemed as lapsed.

b. Directing the Respondents to pay or release the



compensation to the petitioner in terms of Award No. 1/2008-09 dated 30.04.2008.

c. Directing the Respondents to pay damages to the Petitioner for the acquired land and the loss suffered by petitioner on account of compulsory acquisition.”

4. Issue notice. The learned counsel for the respondents accept notice.
5. Mr. Pathak, has pointed out that first prayer seeking that the acquisition proceedings and acquisition of the subject land has lapsed, is misconceived as it is admitted position that the possession of the subject land was taken over by the concerned authorities.
6. The learned counsel appearing on behalf of the petitioner also fairly concedes that the said prayer cannot be granted. She has confined the relief in the present petition to prayer (b) – praying for direction that the compensation be released in terms of the Award No.1/2008-09 dated 30.04.2008.
7. Mr. Pathak, seeks time to take instructions in this regard.
8. Let the counter affidavit, if any, be filed within six weeks from date. Rejoinder thereto, if any, be filed before the next date of hearing.
9. List on 30.09.2024.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 27, 2024

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Click here to check corrigendum, if any