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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4987/2018 & CM APPL. 59443/2023

SHRI VIJAY AGGARWAL & ANR.

.....Petitioners

Through: Mr. Rajiv Kumar Ghawana & Mr.
Vikalp Chandela, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR.

.....Respondents

Through: Ms Shobhana Takiar, SC along with
Mr. Kuljeet Singh, Mr Keshav Sehgal,
Mr. Shivam Gaur, Mr. Aryan Kumar,
Advs. for Respondent No-1/DDA.
Ms. Mehak Nakra, ASC (Civil)
GNCTD with Ms. Gunjan Suyal and
Mr. Aditya Goyal, Advocates (M-
7666499346).
Ms. Ruchika Rathi and Ms. Varsha
Agarwal, Advs. for R-2/LAC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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09.12.2024

1. This hearing has been done through hybrid mode.
2. On 6th February, 2024, considering the undisputed position that the subject land belonging to the Petitioner had not been acquired by the authorities and yet, the Petitioner had been deprived of possession over the same, the Court had directed as under:

“10. In view of the above, *there is no dispute as to the facts on which the present petition is founded. The same being that the petitioners’ land [Khasra No.47//2 (2-03) in village Barwala] has not been*



acquired and the petitioners have been deprived of the possession of the same.

10. In view of the above, the present petition is required to be allowed and the petitioners are required to be compensated for being deprived of the land.

11. Prima facie, in the event that the LAC wishes to acquire the land in question, it would be required to pay the compensation for the period commencing from the date from which the petitioners were deprived of the possession of the land till the date it is acquired and further compensation for the value of the land. In the event, the LAC does not wish to acquire the said land, the same is required to be returned to the petitioners and the petitioners would be entitled to compensation for the petitioners being deprived of the same.

12. The final opportunity is granted to the learned counsel for the respondents to take instructions in this regard and file an affidavit as to the future action proposed in regard to the subject land.

13. Let the said affidavit be filed within the period of two weeks from date.”

3. Despite the last opportunity being granted to the Respondents - DDA and LAC on 6th February, 2024, to file their respective affidavits within 2 weeks, the said Respondents did not file the same. The Court on 21st March, 2023, once again granted one last and final opportunity to the Respondents to file the affidavits. The order dated 21st March, 2024, is relevant and is reproduced hereinbelow:

“1. This Court by an order dated 06.02.2024, granted final opportunity to the respondents to



take instructions and file an affidavit as to the future action proposed in regard to the subject land.

2. This Court has found that the petitioners' land [Khasra No. 47//2 min (2-03) in village Barwala] has not been acquired. The respondents were required to return the said land. The petitioners are also entitled to compensation for being deprived of the land, the possession of which was illegally taken over by the respondents.

3. Ms. Takiar, learned standing counsel for the DDA states that only 0.15 Biswa (22.68 sq. yards) was taken over from the petitioners and handed over for construction of road.

4. Despite giving sufficient opportunities, neither DDA nor LAC has filed any affidavit in regard to how the compensation will be paid to the petitioners.

5. Although, this Court is inclined to pass peremptory orders, one more last and final opportunity is granted to the LAC and DDA as to clearly delineate the further cause of action with the timelines within a period of four weeks from day."

4. The matter was next listed on 11th July, 2024, on which date the same could not be taken up due to paucity of time. The DDA and LAC are yet to file their affidavits in terms of the order dated 6th February, 2024.

5. Today, the Id. Counsel for LAC submits that the LAC is not aware as to how much land the DDA requires for issuance of relevant notification to initiate acquisition proceedings.



6. Such a submission is completely unacceptable. These are government departments and are expected to co-ordinate with each other.
7. No affidavit has been filed by the DDA or the LAC despite sufficient opportunities being granted on several occasions as noted hereinabove. On 21st March, 2024, a last and final opportunity was granted. Both the authorities have rendered the orders of this Court completely meaningless.
8. In this view of the matter, both the LAC and the DDA shall pay a sum of Rs. 50,000/- each as costs to the Petitioner within 1 week, failing which, the petition would be liable to be allowed on the next date of hearing. In addition a direction shall also be passed for paying compensation in accordance with law to the Petitioner for the subject land over which the Petitioner is being deprived of possession.
9. The amount of Rs. 50,000/- each to be paid by LAC and DDA shall be liable to be deducted from the salary of the official concerned.
10. The LAC and DDA shall file their respective affidavits in terms of the order dated 6th February, 2024, by the next date of hearing, along with the proof of payment of cost to the Petitioner.
11. List on 24th January, 2025.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

DECEMBER 9, 2024/bsr/ms