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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4987/2018**

SMT. PREETI AGGARWAL AND ANR. Petitioners
Represented by: **Mr. Rajiv Kumar Ghawana,**
Advocate.

Versus

DELHI DEVELOPMENT AUTHORITY AND ANR. Respondents
Represented by: **Ms. Shobhana Takiar,** Standing
Counsel, DDA for R-1.
Mr. Yeeshu Jain, Standing
Counsel & **Ms. Jyoti Tyagi,**
Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **08.04.2022**

1. The grievance of the petitioners in the present petition is that of the petitioner being pursuant to the Notification dated 27th September, 2002 under Section 4 of the Land Acquisition Act, 1894 (in short 'the Act'), no award was passed and without any acquisition proceedings and without the land of the petitioners being acquired, road has been constructed thereon.
2. Learned counsel for the petitioners states that three times Notification under Section 4 of the Act was issued which lapsed and the land was never acquired, despite the Delhi Development Authority (in short 'DDA') constructed road on the land of the petitioners.



3. In the reply affidavit filed by the DDA, it is stated that the said land i.e., 30 meter road has been constructed by Rohini Project Division-8 for providing basic amenities to the residents of Sector 36, Rohini Phase-V and the subject land was not acquired by the DDA. In the affidavit, it is further stated that in the compliance of the order of this Court dated 02nd May, 2019, the Sub Divisional Magistrate (in short 'SDM') undertook the exercise to demarcate the exact extent of the land which has not been acquired but has been utilised for the purpose of said road. The demarcation has been placed on record vide Annexure-A to the affidavit.

4. On a query raised by this Court as to how the road could be constructed thereon when no acquisition proceedings took place, learned counsel for the DDA states that the land in question was handed over to the DDA by the Government of National Capital Territory Delhi (in short 'GNCTD').

5. In view of the affidavit filed by the DDA, as also the statement of learned counsel appearing on behalf of the DDA, it is evident that the GNCTD through the Principal Secretary (Revenue) and the concerned SDM are necessary parties to the present petition. They are directed to be impleaded as respondent Nos. 3 and 4.

6. Amended memo of parties be filed within one week. On the amended memo of parties be filed, issue notice to the learned Standing Counsel for the GNCTD on behalf of the newly added respondent Nos. 3 and 4.



7. Reply affidavit to the writ petition be filed by newly added respondent nos. 3 and 4 within four weeks. Rejoinder affidavit be filed within three weeks thereafter.
8. List on 21st July, 2022.
9. Order be uploaded on the website of this Court

MUKTA GUPTA, J.

NEENA BANSAL KRISHNA, J.

APRIL08, 2022
S.Sharma