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

+ CS(OS) 236/2016 & IAs No.5993/2016 (u/O XXXIX R-1&2 CPC) & 1533/2017 (u/O I R-10 CPC)

SUBODH SINGH Plaintiff

Through: Mr. Mahesh Prasad and Ms. Ritika Achint, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY & ANR Defendants

Through: Mr. M.K. Singh and Mr. Anil Kumar Sharma, Advs. for DDA with Mr. Anil Kumar Sharma, CLA, DDA.
Mr. Rajan Sabharwal, Adv. for NrDMC.
Mr. Raghubir Singh Rana, Adv. for applicant.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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09.03.2017

1. In pursuance to the order dated 6th February, 2017, Mr. Anil Kumar Sharma, Chief Legal Advisor (CLA) of Delhi Development Authority (DDA) and Mr. V.K. Mantoo, Assistant Law Officer of North Delhi Municipal Corporation (NrDMC) are present. DDA has also filed a copy of the land acquisition award.

2. The award mentions the boundaries of the land which was acquired. However, whether the subject land is included within the said boundaries or not, cannot be known, without knowing the exact position of the boundaries as contained in the award.

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3. I have enquired from the counsel for NrDMC, whether not the Sanctioned Layout Plan of the colony of Roop Nagar, Delhi would be indicative of the subject land being within the acquired land or not.
4. The counsel for NrDMC states that the copy of the Sanctioned Layout Plan has been filed and as per which, the subject land is part of the Sanctioned Layout Plan. He further states that the original plan would be in the custody of DDA as the successor of Delhi Improvement Trust which has sanctioned the Layout Plan.
5. Mr. Anil Kumar Sharma, CLA is requested to kindly look into the matter personally and to gather all documents which may show, whether the subject land is part of the acquired land or not.
6. The counsel for the plaintiff relies on reports of some demarcation carried out in the earlier proceedings and as late as in the year 2015 to contend that the land was found to be not part of the acquired land.
7. The official/s of the Revenue Department of Govt. of NCT of Delhi (GNCTD) who had carried out the demarcation be also contacted.
8. The counsel for NrDMC states that objections to the demarcation report were filed and owing where to it was held that the writ petition was not the appropriate remedy and pursuant where to, this suit has been filed.
9. All the concerned Departments of DDA, Municipal Corporation of Delhi and the Revenue Department of GNCTD are directed to, immediately upon being contacted by Mr. Anil Kumar Sharma, CLA, DDA for any information, cooperate with him, so that he, on the next date of hearing, can submit a composite report with all the relevant documents to the Court.

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10. The Director (Land Management) and Director (Old Scheme Branch), DDA are particularly directed to make all records available immediately to Mr. Anil Kumar Sharma, CLA. If any grievance of their non-cooperation remains, they are directed to remain present in person before this Court on the next date of hearing.
11. List on 26th April, 2017 at 1545 hours.
12. A copy of this order be handed over to all the appearing counsels for compliance.
13. The documents of taking over possession of the acquired land be also produced before this Court on that date.
14. Mr. Anil Kumar Sharma, CLA, DDA is appointed as the Nodal Officer for the aforesaid purpose. The officer/s of the Revenue Department, GNCTD, NrDMC and DDA to initially convene with Mr. Anil Kumar Sharma, CLA, DDA on 15th March, 2017 for the aforesaid purpose.

RAJIV SAHAI ENDLAW, J.

MARCH 09, 2017
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