

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 9194/2023

(Arising out of impugned final judgment and order dated 08-08-2016 in WPC No. 8386/2014 passed by the High Court Of Delhi at New Delhi)

GOVT. OF NCT OF DELHI & ANR.

Petitioner(s)

VERSUS

SHRI RAMI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.68678/2023-CONDONATION OF DELAY IN FILING and IA No.68680/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 28-04-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mrs. Ashwarya Bhati, A.S.G.

Ms. Prachi Bajpai, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Learned counsel for the petitioners has taken us to the para 5A of the counter affidavit filed before the High Court. Relying upon the same, it is submitted that the possession of subject land falling in Khasra number 2021/956 (7-04) and 979 min (3-18) on 24.2.2004 and the lands falling in 2749/801 (0-18), 833 (0-08), 902 (1-14), 1854/888 (0-12) and 1846/760 (0-06) were taken actual vacant physical possession on 16.03.2004 on the spot and handed over the same to the DDA by preparing possession proceedings on the spot. The possession of Khasra number 2777/1922/972 (0-11), 1130/1 (0-19) and 1038/2 (3-14) however could not be taken. It is submitted that the petitioners are not disputing not taking of

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possession of some of the portion. However, with respect to the land of which possession was already taken over, the High Court ought not to have declared the acquisition as having been lapsed. Reliance is placed upon the decision of this Court in the case of Pune Municipal Corporation & Anr. vs. Harakchand Misirimal Solanki & Ors., (2014) 3 SCC 183.

Issue notice on the application for condonation of delay as well as on the Special Leave Petition, making it returnable on 28.08.2023.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR