

ITEM NO.16

COURT NO.4

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10477/2022

(Arising out of impugned final judgment and order dated 08-03-2016 in WP(C) No. 5210/2015 passed by the High Court Of Delhi At New Delhi)

GOVERNMENT OF NCT OF DELHI

Petitioner(s)

VERSUS

ZIKRU REHMAN KHATRI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.402/2023-CONDONATION OF DELAY IN FILING and IA No.406/2023-EXEMPTION FROM FILING O.T. and IA No.405/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

WITH

Diary No(s). 15687/2022 (XIV)

(FOR ADMISSION and I.R. and IA No.618/2023-CONDONATION OF DELAY IN FILING and IA No.623/2023-EXEMPTION FROM FILING O.T. and IA No.625/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 13-01-2023 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Atul Kumar, AOR
Ms. Sweety Singh, Adv.
Ms. Archana Kumari, Adv.
Mr. Rahul Pandey, Adv.
Mr. Rajiv Sharma, Adv.
Mr. Rajiv Ranjan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

SLP (C) Diary No(s). 10477/2022:

It is the case on behalf of the petitioner that out of 6 Khasra Nos., possession of the 3 Khasra nos. was already taken over and the possession of 3 Khasra nos. could not be taken over due to the stay/pending litigation.

It is submitted that even the compensation was, as such, deposited in the treasury. It is submitted that, while passing the impugned judgment and order, the High Court has relied upon the decision of this Court in the case of Pune Municipal Corporation and Another vs. Harakchand Misirimal Solanki and Others reported in (2014) 3 SCC 183.

It is submitted that the decision of this Court in the case of Pune Municipal Corporation (supra), which has been relied upon by the High Court, has been subsequently overruled by the Constitution Bench of this Court in the case of Indore Development Authority vs. Manoharlal & Ors. Etc. reported in 2020 (8) SCC 129.

Delay in re-filing the Special Leave Petition is condoned.

Issue notice on the application for condonation of delay as well as on the Special Leave Petition, returnable on 27.02.2023.

Dasti, in addition, is permitted.

Respondents be served within a period of 10 days from today.

SLP (C) Diary No(s). 15687/2022:

It is the case on behalf of the petitioner that, in the present case, the possession of the land in question was already taken over and even the compensation with respect to the land in question was deposited in the treasury.

It is submitted that, while passing the impugned judgment and order, the High Court has relied upon the decision of this Court in the case of Pune Municipal Corporation and Another vs. Harakchand Misirimal Solanki and Others reported in (2014) 3 SCC 183.

It is submitted that the decision of this Court in the case of Pune Municipal Corporation (supra), which has been relied upon by

the High Court, has been subsequently overruled by the Constitution Bench of this Court in the case of Indore Development Authority vs. Manoharlal & Ors. Etc. reported in 2020 (8) SCC 129.

Delay in re-filing is condoned.

Issue notice on the application for condonation of delay as well as on the Special Leave Petition, returnable on 27.02.2023.

Dasti, in addition, is permitted.

Respondents be served within a period of 10 days from today.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR