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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 375/2016

MANOHAR SINGH PANNU

..... Appellant

Through: Mr. Ravi Kr. Tomar, Advocate.

versus

THE DEPUTY DIRECTOR (L&M) DELHI DEVELOPMENT
AUTHORITY & ORS

..... Respondents

Through: Mr. Pawan Mathur, SC for the DDA.
Mr. Vivekanand Mishra, senior panel
counsel for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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26.09.2016

L.P.A. No.375/2016 & C.M. Nos.22233-22234/2016 (for delay)

1. Before issuing notice on the applications seeking condonation of delay in filing and re-filing the appeal, we have examined the grounds of appeal on merits.
2. The appellant-Manohar Singh Pannu impugns the order dated 7.1.2016 which dismisses his writ petition seeking either alternative plot or compensation on the ground of delay and latches. It has also been observed that the petitioner has averred that he intends to file a civil suit seeking similar relief.
3. We have heard the learned counsel for the appellant but do not see any reason and ground to interfere with the impugned order.
4. The appellant submits that he had purchased 700 square yards of land which is a part of khasra No.535/1 situated in abadi area of

Village Kilokari known as Ganga Vihar, New Delhi by a General Power of Attorney dated 10.8.1992 executed by the previous owner. Subsequently on 21.6.1995, another person had executed a General Power of Attorney for land measuring 400 square yards in khasra No.1260/535/1 in abadi area of Village Kilokari known as Ganga Vihar, New Delhi-14.

5. The appellant professes that the respondent-Delhi Development Authority had forcibly taken possession of the said land in the year 2007. It is stated that the appellant was not paid compensation for the said land and was also not given alternative land. It is asserted that the name of the appellant is entered in the revenue records of the Delhi Development Authority on directions issued by the Land Revenue Authority on 25.7.1995. In this connection, the learned counsel for the appellant has relied upon the report of the *Patwari* dated 27.9.1995 on the basis of which it is asserted that the name of the appellant was entered in the revenue records.

6. We do not find any merit in the said contention. By the order dated 25.7.1995, the Field Kanongo had ordered the appellant to place the sale deed on record. By the subsequent order dated 29.9.1995, the Field Kanongo had directed that on the basis of General Power of Attorney, no mutation could be affected and accordingly, the application was required to be filed.

7. Pertinently we notice that the respondent was named in the FIR No.85/1996 registered under Section 447 of the Indian Penal Code, Police Station Srinivaspuri, New Delhi. This FIR was registered on a complaint made by the officers from the Delhi Development

Authority on encroachment of the land belonging to the said Authority.

8. By order dated 10.5.2012, the learned Metropolitan Magistrate-05, South East, New Delhi had acquitted the accused for various grounds stated therein including the fact that the offence for which the accused was charged was punishable with imprisonment for three months and Rs.500/- as fine and the case had been pending for last 16 years. It was also recorded that there would be some doubt about the correctness of the prosecution story as actual portion of the land on which alleged trespass had taken place, was not clearly mentioned. There are observations that there was delay in taking cognizance of the offence.

9. Having examined the said facts, we do not think that the appellant has been able to make out any cause of action to stake the claim as alleged.

10. Though we notice that the single judge has observed that there was delay and laches in approaching the court, we would, however, prefer to dismiss the appeal for the reasons aforesaid.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

SEPTEMBER 26, 2016
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