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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1104/2017, CM No.36065/2017 (for condonation of 64 days delay in filing) and CM No.36067/2017 (for condonation of 89 days delay in re-filing)

MADAN KUMAR AND ORS Petitioners

Through: Mr. Atma Ram Sharma, Adv.

Versus

UOI

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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31.10.2017

1. This order is in continuation of the earlier order dated 9th October, 2017.
2. The petitioners are reported to have deposited costs of Rs.5,000/- in terms of order dated 9th October, 2017.
3. The counsel for the petitioners, has upon asking, handed over in the Court the copies of the orders dated 1st March, 2017, 7th April, 2017, 27th April, 2017 and 24th July, 2017 in the proceeding from which this petition arises.
4. Else, the position remains the same.
5. Neither is any clarity emerging nor have the petitioners filed all the requisite copies of the Trial Court record which may help this Court in understanding the controversy.
6. What can be understood is i) that the petitioners have withdrawn from the Court compensation for land acquisition; ii) the sister of the petitioners is

claiming a share in the compensation; and, iii) the learned Additional District Judge (ADJ) has converted the proceedings into one under Sections 30 and 31 of the Land Acquisition Act, 1894 and directed the petitioners to deposit in the Court the amount of compensation received by them and upon failure of the petitioners to deposit the same, warrants of attachment have been issued.

7. The counsel for the petitioners states that the sister of the petitioners who has applied as aforesaid, has no right to compensation and the land which was acquired was not entered in her name and she has no share in the compensation.

8. Ordinarily, the petitioners being in breach of the orders, cannot be heard.

9. However, since in spite of warrants of attachment having been issued, the same remain unexecuted and there does not also appear to be any clarity as to what is the property with respect to which warrants have been ordered to be issued, it is deemed appropriate to dispose of this petition with the direction to the learned ADJ-I, North District, Rohini Courts, Delhi before whom the proceeding is pending, to, after hearing the parties, pass a reasoned order on the entitlement of the sister of the petitioners to the share in the compensation.

10. The petitioners undertake to this Court that subject to their right to challenge the said order if aggrieved therefrom, they will pay to their sister whatever amount is found to be due to her.

11. Since this order has been passed without hearing the respondents, the respondents shall have liberty to apply, if need any variation / clarification.

12. The petition is disposed of with the aforesaid directions / observations.

RAJIV SAHAI ENDLAW, J

OCTOBER 31, 2017

‘gsr’ ..