

\$~3

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

+ CM(M) 702/2017

ANIL KUMAR

..... Petitioner

Through: Mr. Rakesh Kumar, Ms. Anubha
Singh and Mr. Shishir Raj, Advs.

Versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Abhay Prakash Sahay and Mr.
Sachin Nawani, Advs. for R-1/UOI.
Mr. Pawan Mathur, Adv. for R-
2/DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

06.11.2017

1. This order is in continuation of the earlier order dated 14th July, 2017.
2. The counsel for the respondent No.1 Land Acquisition Collector (LAC), Union of India and the counsel the respondent No.2 Delhi Development Authority (DDA) appear.
3. The counsel for the respondent No.2 DDA states that the matter concerns the respondent No.1 LAC.
4. The counsel for respondent No.1 LAC does not controvert the facts as recorded in the order dated 14th July, 2017 i.e. of the compensation determined in the Reference proceedings having been released in favour of the petitioner only owing to the sister of the petitioner having released her share therein in favour of the petitioner.

5. The counsel for the respondent No.1 LAC however states that since the sister of the petitioner was not impleaded in the appeals preferred against the order of the Reference Court, the enhancement of her share cannot be paid to the petitioner.

6. However, on enquiry, as to what will happen to that part of compensation which has been enhanced and whether it will revert to the LAC, the counsel fairly replies in the negative.

7. Once that is so, then the petitioner has to be entitled to the compensation due pursuant to the enhancement ordered in appeal.

8. While this order is being dictated, the counsel for the respondent No.1 LAC states that he is not sure whether appropriate court fees has been paid.

9. Needless to state, before release of compensation, the learned Additional District Judge (ADJ) will satisfy himself on all these aspects.

10. I may record that the counsel for the petitioner states that on the enhancement granted by the Supreme Court, no court fees is payable.

11. The petition is thus allowed; the order dated 25th October, 2016 in Ex. Civil 00M-8/2016 (15927/16) of the Court of ADJ-04 (South-West), Dwarka Courts, New Delhi is set aside. The balance compensation of the share of Smt. Sureshwati lying deposited in the Court be released in favour of the petitioner.

12. The petition is disposed of.

A copy of this order be given *dasti* under the signatures of the Court Master.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 06, 2017/bs..

CM(M) 702/2017

Page 2 of 2