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

+ **W.P.(C) 10250/2017**

SHIV KUMAR SHARMA Petitioner
Through: **Mr. Akhand Pratap Singh, Adv.**

versus

UNION OF INDIA AND ANR. Respondents
Through: **Ms. Jyoti Tyagi, Adv. for Mr. Yeeshu Jain, Standing Counsel for L&B/LAC.**
Mr. Rohan Mehra, Adv. for R2.
Mr. Arun Birbal and Mr. Sanjay Singh, Advs. for DDA.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE V. KAMESWAR RAO
ORDER
% **20.11.2017**

Counsel for the petitioner seeks discharge from the matter as he has been appointed on the panel of respondent no.2.

CM. No. 41836/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 10250/2017

Mr. Akhand Pratap Singh, who appears for the petitioner submits that land of the petitioner was acquired by the Award in the year 1986-87. Thereafter, Reference Court in LAC 10/1991 had fixed the market value of the acquired land @ Rs.2,000/- per Sq. Yd. on 8th March, 2004. He claims

that in the year 2007, the petitioner received 50% of the amount of compensation @ Rs.1,000/- per Sq. Yd. In an appeal filed before the Supreme Court of India by the DDA in a similar matter, the matter was remanded back to the Reference Court for fresh determination of the market value of the acquired land in Village Bahpur on 8th December, 2010.

The sum and substance on the submission of the learned counsel for the petitioner is that although in the connected matters, the amount of compensation has been enhanced with respect to the same village, however, the case of the petitioner could not adjudicated upon, as the file of the petitioner was not traceable. It is claimed that the Reference “*Union of India v. Tipar Chand*” bearing LAC/291/2011 was adjourned *sine die* as the file was not traceable and leave was granted to revive the matter. Counsel for the petitioner further submits that on 23rd March, 2016, High Court in LA.APP. No. 109/2013 enhanced the compensation given by the Reference Court in LAC 283/2011 and fixed the market value @ Rs.2,000/- per Sq. Yds. for the land acquired in Village Bahpur vide Notification dated 6th June, 1978 and 30th June, 1978. The SLP filed against the aforesaid order has been dismissed.

The complaint of the petitioner is that an application seeking revival of LAC 291/2011 which was filed in the Successor Court of Ms. Neelam Singh, ADJ-2/South, i.e., in the Court of Sh. Ajay Gulati, ADJ-02/South was not entertained on the ground that Village Bahpur now falls in the territorial jurisdiction of South-East. On an application filed in the court of Sh. Gurvinder Pal Singh, ADJ-01/South-East, the petitioner was informed that since he is not the successor court which had adjourned the matter *sine die*, he cannot revive the same. This has led to the petitioner filing the present

writ petition.

Keeping in view the above facts in mind, we direct the petitioner to bring to the notice of the District Judge (Central), this order passed by us. We direct the District Judge to issue direction for tracing the file titled “*Union of India v. Tipar Chand, LAC /291/2011*”, which was initially filed in the Court of Ms. Neelam Singh, ADJ-02/South. In case the file is not traceable, a duplicate file would be prepared / constructed and the matter would be listed in the appropriate court.

With these directions, the petition is disposed of.

Dasti.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 20, 2017/jg