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

+ W.P.(C) 9479/2015, CM Nos.22252/2015, 46294/2016
& 6762/2017

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Date of decision : 22nd November, 2017

RASHTRIYA VIKAS SAMITI (REGD.) Petitioner

Through : Mr. Sanjay Gupta,
Mr. Ateev Mathur and
Ms. Jagriti Ahuja, Advs.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ORS

... Respondents

Through : Mr. Ajjay Aroraa, Adv. for
NDMC.

Ms. Jyoti Tyagi, Advs. for R-2.

Mr. Naushad Ahmad Khan,
ASC for GNCTD.

Ms. Yeeshu Jain, Adv.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition was filed in public interest litigation with regard to land admeasuring 2655.20 sq. yds., stated to be forming part of property No.11231/32/XII situated at the revenue estate of Roop Nagar, Delhi. It is submitted by the learned counsel for the petitioner, that this land stood leased to the respondent no.2 and 3 for running of a school and that the respondents were arbitrarily and illegally not

taking possession of the land. Additionally, the writ petition seeks issuance of a writ of mandamus directing the respondent nos.1 to 4 to ensure that no unauthorized construction is carried out by any person on this land.

2. On the last date of hearing, i.e., 28th August, 2017, a copy of the order dated 24th May, 2016 passed in ***WP(C)No.3423/2015 Govind Singh & Ors. vs. Government of NCT of Delhi & Ors.*** was placed before us whereby this court had made a declaration that acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of land admeasuring 2655.2 sq. Yards of the total land 7978.4 sq. yards which was the subject matter of award No.1894/1966-67 dated 31st January, 1966 are deemed to have lapsed in view of the provision of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The ld. counsels for the parties sought time to examine the impact of this order and make submissions.

4. There can be no dispute with this position.

5. Mr. Naushad Ahmad Khan, ld. ASC for the GNCTD makes a grievance that the acquisition of the land could not have lapsed inasmuch as circumstances were created and litigation was initiated against the official respondents which prevented them from taking possession of the land.

6. It is further submitted that illegal and unauthorized construction was raised on the subject land on a large scale which was permitted to stand by the other respondents for which reasons physical possession was never handed over by the acquiring agency to the Department of

Education.

7. It is further submitted that the correct picture was not brought before the court while passing the order dated 24th May, 2016.

8. Be that as it may, so far as these proceedings are concerned, the order dated 24th May, 2016 binds our consideration. It is for the respondent no.1 to take steps it may be advised in law, with regard to the said order.

9. In view of the said order dated 24th May, 2016, the writ petition qua the same land which is the subject matter of that order cannot survive and is to be disposed of as having been rendered infructuous.

10. In view thereof, this writ petition and pending applications are disposed of with a direction to respondent nos.1 to 4 to ensure that no illegal or unauthorized construction is permitted to stand or to be raised on the aforesaid land, which is the subject matter of this writ petition.

Dasti to parties.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 22, 2017

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