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

+ **W.P.(C) 2611/2017**

DAYA NAND & ORS

..... Petitioners

Through: Mr.Rajiv Kumar Ghawana with
Ms.Akshita Chhatarwal, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.Siddharth Panda, Advocate for R1
& R2.
Ms.Sangita Rai, Advocate for R3.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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30.04.2019

1. The Petitioners have placed before the Court a judgment and decree dated 23rd November 2017 passed by the Civil Court. Issue No.2 of the said judgment in Suit No.7 of 2017 filed by the Petitioners against the Govt. of NCT of Delhi reads as under:

“Whether the defendant proves that the plaintiff is not entitled to the reliefs claimed to the extent of 24-3 bighas of its being acquired and/or that the plaintiff is not in possession thereafter? OPD.”

2. The onus of proof of the above issue was on the Defendant in the suit and the finding of the Civil Court is that the Defendant has failed to prove that it had acquired the above extent of land of the present Petitioners. As a result it

is contended by learned counsel for the Petitioners that the lands in question are not part of any land acquisition proceedings at all.

3. Nothing is shown to the Court about the said decree and judgment being subject matter of appeal at the instance of the GNCTD.

4. In that view of the matter, the question of granting the relief to the present Petitioners under Section 24(2) of the 2013 Act does not arise.

5. Learned counsel for the Petitioners then contended that the entries in the revenue records still reflect that some portion of the land is still the subject matter of a land acquisition Award No.816. It will be open to the Petitioners to seek other appropriate remedies as may be available to them in law in that regard.

6. The petition is accordingly dismissed. The interim order dated 22nd March 2017 which stood confirmed on 2nd May 2018 is hereby vacated.

S.MURALIDHAR, J.

I.S.MEHTA, J.

APRIL 30, 2019 / tr