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

+ **W.P.(C) 7431/2018 & CM APPL. 28426/2018 (for stay)**

AZAD KAUR MALIK Petitioner

Through: Ms. Anukriti Pareek, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Vivekanad Mishra, Senior Panel
Counsel for UOI.

Mr. Yeeshu Jain, Advocate for LAC
and L&B.

Ms. Nihaarika Jauhari, Advocate for
Ms. Mrinalini Sen, Advocate for
DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE REKHA PALLI

ORDER

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07.05.2019

1. The prayer in the present petition reads thus:

“Pass a writ, order or direction in the nature of a writ of declaration, declaring the acquisition proceedings initiated in respect of the land comprised in Plot No. 84, land measuring 108 sq. yards, out of Khasra No. 37/21, in total area admeasuring 3 bigha 9 biswas situated in revenue estate of Village Najafgarh, Tehsil & District Delhi, area abadi known as Dwarka Vihar, Kakrola Road, Najafgarh, New Delhi - 110043 to the extent of share owned by the Petitioner have lapsed in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

2. This Court has by an order dated 20th March 2019 in W.P. (C) 11543/2018 (***Parvesh Pandit A.K.A Ram Parvesh v. Union of India***) dismissed a batch of petitions seeking identical relief in relation to certain other lands in the same locality i.e. Dwarka Vihar which is an unauthorised colony.

3. Ms. Anukriti Pareek, learned counsel for the Petitioner, submits that whereas the Court has in the said order expressed an opinion that the Petitioners do not have any right, title or interest in the lands in question, another bench of this Court had in its decision dated 8th November 2017 in W.P. (C) 4255/2016 (***Parshotam Joshi v. Govt of NCT of Delhi***) granted relief under Section 24 (2) of the 2013 Act in respect of land located in the same Revenue Estate of village-Roshanpur in an adjoining unauthorised colony known as Shyam Vihar.

4. The Court notes that in the said order dated 8th November 2017 there was no discussion of the aspect of the land forming part of an unauthorized colony which has been discussed in detail by this Court in its decision in ***Mool Chand v. Union of India 2019 (173) DRJ 595 (DB)*** which has been followed by this Court in ***Parvesh Pandit (supra)***. Further, in ***Parshotam Joshi v. Govt of NCT of Delhi (supra)*** the decision of Supreme Court in ***Pune Municipal Corporation v. Harakchand Misirimal Solanki (2014) 3 SCC 183*** was followed whereas the decision in ***Mool Chand (supra)*** discusses the effect of the decisions of the Supreme Court delivered subsequent thereto.

5. The petition is accordingly dismissed. The pending application is also dismissed. The interim order dated 20th July 2018 is vacated.

S.MURALIDHAR, J.

REKHA PALLI, J.

MAY 07, 2019
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