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

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Date of decision: 08.04.2021

+ **LPA 81/2021**

UNION OF INDIA

..... Appellant

Through: Ms. Monika Arora, CGSC with
Mr. Shriram Tiwary, Adv. for UOI.

versus

NORTHERN INDIA PAINT COLOR AND VARNISH CO. LLP
AND ANR. Respondents

Through: Mr. Arvind Nigam, Sr. Adv. with Mr.
Kotla Harshavardhan, Ms. Vishakha
Gupta, Ms. Aishwarya Jain and Ms.
Sugandha Batra, Adv. for R-1.
Mr. Sameer Vashisht, ASC with Ms.
Urvi Kapoor, Adv. for R-2/GNCTD.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL):

CM APPL.7640/2021

1. This is an application seeking condonation of delay.
2. There is a delay of 46 days in filing the appeal.
3. For the reasons mentioned in the application, the delay is condoned and the application is allowed.
4. The application is, accordingly, disposed of.

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5. This appeal has been preferred against the interlocutory order dated

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04.11.2020 passed by the learned Single Judge in W.P.(C) No.8667/2020.

5.1. There are two directions contained in the order *qua* which grievance has been expressed by the appellant. The first direction concerns the construction to be carried out on the subject property, which is described as, Plot no. 1, Canal Road, Vijay Nagar, Delhi-110009, admeasuring 6325 square yards (“subject property”). The second direction concerns demarcation to be carried out qua the subject property albeit “... only with reference to the earlier demarcation report, which was conducted by the learned District Judge, Delhi, as per the directions of the Supreme Court...”.

6. We have heard learned counsel for the parties for a considerable period of time. Counsels for the parties are agreed that the appeal can be disposed of with the following directions: -

(i) The joint demarcation of the subject property will be carried out bearing in mind the inquiry report of the then District and Sessions Judge, Mr. K.P. Verma, which we are told, is dated 06.01.1998, which, in turn, was submitted to the Supreme Court pursuant to its order dated 03.11.1997.

(ii) The demarcation will be carried out in the presence of the authorized representative of the appellant [i.e., the Custodian of Evacuee Property], representatives of the revenue authorities and the representative of respondent no.1. This exercise will be carried out under the supervision of the District Magistrate, North (Delhi).

(iii) Respondent no.1 will continue with the construction being carried out on the subject property, with the caveat, which is, in case it is found that the construction is being carried out by respondent no.1 over an area that was not conveyed to it *via* the conveyance deed dated 13.02.1990, then, it shall take steps to demolish the same. An undertaking, in that behalf, will be filed by respondent no.1 *via* an affidavit of the Partner of respondent no.1. The said affidavit will be filed within five days from today. The affidavit will be filed before the learned Single Judge. A copy of the same will be furnished to the counsel for the appellant as well as the counsel appearing for GNCTD.

(iv) The report of the joint demarcation will be placed before the learned Single Judge. The learned Single Judge, upon receiving the report, will pass an appropriate order in the proceedings pending before him.

(v) Needless to say, the joint demarcation exercise will be conducted at the earliest, though, not later than six weeks from the date of receipt of a copy of the order.

7. The impugned order will stand modified to the extent indicated above. The appeal is disposed of in the aforesaid terms. Consequently, all pending applications shall stand closed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

APRIL 8, 2021

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Click here to check corrigendum, if any

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