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

+ W.P. (C) 2683/2021, CM APPLs. 7925-26/2021

RAVINDER KUMARPetitioner

Through: Mr.Prateek Choudhary, Advocate.

Versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF

DELHI & ORS.Respondents

Through: Ms.Jyoti Tyagi, Advocate for
Land & Building Deptt.

Ms.Vidhi Jain, Advocate for DDA.

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Date of Decision: 26th February, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. The petition has been heard by way of video conferencing.

Present writ petition has been filed seeking direction to the Respondents to implement the decision/order dated 13th December 2019 and de-notify the land of the Petitioner, measuring about 10 biswas (about 500 sq yards) in Khasra No. 26/9 under revenue estate of village Bijwasan, Delhi. The Petitioner also seeks direction to restrain the Respondents along with their agents/officials/representatives from taking forcible possession of the Petitioner's land.

In the alternative, pursuant to non-tendering of compensation amount, the Petitioner seeks direction to hold that land acquisition proceeding qua the Petitioner's land, stands lapsed under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Learned counsel for the Petitioner states that the case property of the Petitioner lies within the unauthorised colony named 'Bijwasan Extension'. He states that the said unauthorised colony is under consideration for regularisation as it is one of the 1731 unauthorised colonies mentioned in the Notification dated 29th October, 2019, whereby the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 have been notified. He prays that the petitioner's land be denotified in accordance with the office order dated 13th December, 2019 issued by the Special Secretary (L & B).

A perusal of the paper book reveals that the Petitioner had filed a suit for Permanent Injunction which was decreed vide judgment dated 21st December 2015. However, upon an appeal being filed by respondent no.1, the learned Additional District Judge allowed the appeal holding that the jurisdiction of the Civil Court is barred under Section 52 of the Land Acquisition, Rehabilitation and Resettlement Act, 2013.

This Court finds that the petitioner has filed the present writ petition without making any prior representation to the respondent-DDA for denotification of the land in accordance with the decision/order dated 13th December, 2019 as well as Notification dated 29th October, 2019.

Consequently, the present writ petition is disposed of with a direction to the petitioner to file a representation with the Vice-Chairman, DDA seeking appropriate reliefs. In the event, such a representation is filed within two weeks, the same shall be decided by the Vice-Chairman, DDA by way of a speaking order within four weeks. In the event, the petitioner is aggrieved by the decision of the Vice-Chairman, DDA, he shall be at liberty to file appropriate proceedings in accordance with law.

With the aforesaid directions, present writ petition along with pending applications stand disposed of.

The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

FEBRUARY 26, 2021
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