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

Date of decision: 16.08.2023

+ CM(M) 1306/2023 & CAV 414/2023, CM APPL. 41768-69/2023

UNION OF INDIA

..... Petitioner

Through: Mr. Rajneesh Sharma, Advocate.

versus

SMT. KARTARI DEVI DEC. THR LRS & ANR Respondents

Through: Mr. N.S. Chechi and Ms. Rekha Chauhan, Advocate for R-1.

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 41769/2023 (For Exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CAV 414/2023

Since Respondent No.1 has entered appearance, the caveat stands discharged.

CM(M) 1306/2023 & CM APPL. 41768/2023

1. The present petition filed under Article 227 of the Constitution of India impugns the order dated 26.07.2023 passed by the ADJ-01, Saket Courts, New Delhi ('Executing Court') in Execution No. 112/2023, titled as, **Kartari Devi (D) Through LRs v. Union of India** whereby, the Executing Court



issued warrants of attachment of immovable property of the Petitioner i.e., office of ADM/LAC DC office, South East Old Gargi College Building, behind Lady Shriram College, Lajpat Nagar IV, New Delhi - 110024.

2. The learned counsel for the legal representatives of Respondent No. 1 i.e., late Sh. Kartari Devi states that the subject matter of these proceedings is an award No. 247/1986-87 dated 22.10.1986.

2.1 He states that the Public Works Department ('PWD') has duly accepted the judgment of the Supreme Court dated 20.04.2022 which governs the said award and has accepted the rate of compensation determined by the Supreme Court in the said judgment.

2.2 He states that in fact the PWD had already remitted the amount due and payable to a similarly placed landowner in Execution No. 107/2023 arising out of LAC No. 74/1994 and RFA No. 653/1998.

2.3 He states that therefore the PWD cannot take a different stand qua the present Respondents and is similarly bound by the judgment of this Court dated 04.11.2022 in RFA No. 666/1998 which is a subject matter of this petition.

2.4 He states that in the facts of this case, the non-impleadment of PWD in RFA No. 666/1998 which was filed and instituted before the passing of the judgment *Delhi Development Authority v. Bhola Nath Sharma in 2011 (2) SCC 54* is of no effect as PWD is not aggrieved by the rate of compensation awarded by this Court.

2.5 He states that the landowners are farmers and they have concern with the beneficiary i.e., PWD. He states that as far as the Respondents are concerned their land has been acquired by the Petitioner herein. He states that the Respondents cannot be made to chase PWD. He states that PWD is the



department under the control of the Petitioner and therefore, the pleas raised in the petition are not *bona fide*.

3. After some arguments, the learned counsel for the Petitioner states that the Petitioner has already addressed communications to PWD for releasing the decretal amount.

3.1 He states that the Petitioner does not dispute the entitlement of the private Respondents to receive the decretal amount. He states that an opportunity be granted to the Petitioner for following up with PWD and for depositing the decretal amount be extended by a period of four (4) weeks from today.

3.2 He states that no further relief has been pressed in the present petition.

4. This Court has considered the submissions of the parties and perused the record.

5. In view of the fact that the final judgment and order dated 04.11.2022 in RFA No. 666/1998 has been passed against the Petitioner herein and the same has become final and also PWD had already accepted the correctness of the rate of compensation, this Court finds no merit in the petition. The liability of the Petitioner to make payment of the decretal amount is not in dispute.

6. However, the time for making the payment of the decretal amount before the Executing Court is extended by a period of four (4) weeks. Accordingly, the directions issued by the Executing Court in the impugned order dated 26.07.2023 are stayed for a period of four (4) weeks.

7. It is, however, clarified that if the Petitioner fails to make the deposit of the decretal amount within a period of four (4) weeks, the Respondent will be at liberty to proceed with the implementation of the impugned order dated 26.07.2023.



8. Accordingly, the present petition along with the pending application is disposed of.

MANMEET PRITAM SINGH ARORA, J

AUGUST 16, 2023/msh/ms

