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

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Decision delivered on: 21.12.2023+ **W.P.(C) 16536/2023****SMT. BABITA**

..... Petitioner

Through: Mr Sunil Dahiya, Advocate.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr Sanjay Kumar Pathak, Standing Counsel with Mrs K.K. Kiran Pathak, Mr Sunil Kumar Jha, Mr M.S. Akhtar, Mrs Rini V. Tigga and Mrs Nidhi Thakur, Advs.

CORAM:**HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE GIRISH KATHPALIA****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):**

1. Issue notice.

1.1. Mr Sanjay Kumar Pathak, learned standing counsel, accepts notice on behalf of the respondents. Mr Pathak says he does not wish to file a counter-affidavit and that he will argue the matter based on the record presently available with the court.

2. Thus, with the consent of the counsel for the parties, the writ petition is taken up for hearing and final disposal, at this stage itself.

3. The substantive prayer made in the writ petition reads as follows:

“In view of the facts and circumstances stated above and in the interest of justice, it is, therefore, most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to pass appropriate direction to respondent to send the amount of compensation to Additional District Judge (South-West) Dwarka Courts, Delhi as per provision of Section 30-31 of LA Act.”



4. Mr Pathak says that perhaps the petitioner has adverted to the incorrect statute. It is Mr Pathak's submission says that since the acquisition was made by the National Highways Authority of India (NHAI), the relevant statute would be National Highways Act, 1956.
5. Insofar as remitting the compensation to the Additional District Judge, South-West District, Dwarka Courts, Delhi is concerned, Mr Pathak states that the same will be remitted accompanied by the details of the legal heirs of the deceased Sh. Barsate, albeit, after due verification.
6. To be noted, in paragraph 3 of the writ petition, it is averred that Sh. Barsate expired on 13.05.2003. Furthermore, in the very same paragraph, the details of the legal heirs are set forth.
7. A copy of the death certificate concerning Sh. Barsate is appended on page 17 of the case file and is marked as Annexure P-1.
8. Given this position, the writ petition is disposed of based on the statement made by Mr Pathak.
9. Needless to add, the respondents will also issue notice to the legal heirs of the deceased Sh. Barsate, after due verification.
- 9.1. This exercise will be completed within the next four (4) weeks.
10. Parties will act based on the digitally signed copies of the order.

**RAJIV SHAKDHER
(JUDGE)**

**GIRISH KATHPALIA
(JUDGE)**

DECEMBER 21, 2023/R.Y