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

+ W.P.(C) No. 1061/2019

M/S. CARDIFF ASSOCIATES PVT TLD Petitioner
Through: Mr. Jasmeet Singh, Adv.

versus

THE COMMISSIONER, NORTH DELHI MUNICIPAL
CORPORATION & ANR. Respondents
Through: Ms. Mini Pushkarna, Standing
Counsel for North DMC.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **04.02.2019**

CM APPL. No. 4840/2019 (for exemption)

Allowed, subject to just exceptions.

Application stands disposed of.

W.P.(C) No. 1061/2019

The petitioner states that it has been divested of its property admeasuring 1268.61 sq. meter which is part of property bearing No. 10130, Katra Chajju Pandit, East Park Road, Shidi Pura, Delhi, in that a wall has been constructed by respondent No. 1/North DMC purporting to demarcate certain *other* properties that have been acquired by the Government of NCT of Delhi and thereupon have been handed-over to the respondents in March-April, 2018, and the petitioner's property has *mistakenly* been included in such demarcated area.

Ms. Jasmeet Singh, learned counsel for the petitioner states that property No. 10130 aforesaid was never part of any acquisition proceedings as is evident from Award No. 1/2012-13 dated 15.06.2012, which contains a list of properties acquired, and the petitioner's property does not find mention in such list. The petitioner further states, that in fact the Land & Building Department of the respondents has sanctioned a building plan in respect of its property in its name vide sanction letter dated 18.01.2017.

Issue notice.

Ms. Mini Pushkarna, learned Standing Counsel appearing for the respondents appears on advance copy and accepts notice.

Ms. Mini Pushkarna, learned Standing Counsel states on behalf of the respondents that acquisition of land is done by the Government of NCT of Delhi and subsequently the land so acquired is handed-over to respondent No. 1/Corporation; and that the petitioner's property *does not* figure in the *kabza kariawai* or the possession proceedings which evidence the parcel of land handed-over by the Government of NCT of Delhi to respondent No. 1/corporation.

She further states that in the circumstances, the presence of Government of NCT of Delhi is necessary for further proceedings in this case; and therefore the Government of NCT of Delhi through the Land & Building department be impleaded as a party-respondent in the present proceedings. The petitioner is agreeable to this.

Accordingly, on oral prayer, Government of NCT of Delhi through Land & Building Department is impleaded as respondent No. 3 in this petition. Let amended memo of parties be filed in two weeks.

Let notice be issued to the newly impleaded respondent No. 3:

Government of NCT of Delhi through Land & Building Department
returnable 16th May, 2019.

In the meantime, respondents Nos. 1 and 2 may file counter-affidavits
within a period of four weeks; rejoinder thereto, if any, be filed within two
weeks of receiving the counter-affidavit.

Re-list on 16th May, 2019.

FEBRUARY 04, 2019/uj

ANUP JAIRAM BHAMBHANI, J.