



2024:DHC:3472-DB



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

+ **LPA 342/2024 & CM APPLs.24923-24924/2024**

DELHI DEVELOPMENT AUTHORITY

..... Appellant

Through: Mr.Ashutosh Kaushik, Advocate with
Mr.Naveen K.Sarswat, Advocate for
Ms.Manika Tripathy, Standing
Counsel for DDA.

versus

ASHWANI KHURANA AND ORS

..... Respondents

Through: Ms.Harshita Nathrani, Advocate for
Mr.Sameer Vashisht, ASC (Civil),
GNCTD.

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Date of Decision: 30th April, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ (Oral):

CM APPL.24925/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the application stands disposed of.

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3. Present appeal has been filed along with an application for condonation of delay challenging the judgment dated 28th August, 2019 passed by a learned Single Judge of this Court in W.P.(C) 10069/2019, whereby the writ petition filed by the Respondents was allowed and the

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order dated 17th July, 2012 passed by the Court of Revenue Assistant (Najafgarh) under Section 81 of the Delhi Land Reforms Act, 1954 (“DLR Act”) and subsequent orders upholding the order dated 17th July, 2012, were set aside on the ground of limitation and that pursuant to the passing of the zonal plan by DDA, the land in question ceased to be an “agricultural land” under Section 3(13) of the DLR Act.

4. Learned counsel for the Appellant states that violation of the DLR Act took place prior to the land being notified as urban area and the notification of the zonal development plan. He contends that the order dated 17th July, 2012 continues to be legal and valid.

5. A perusal of the paper book reveals that there is a delay of 1664 days in filing the appeal.

6. At this stage, learned counsel for the Appellant-DDA states that quite a substantial period of this delay is covered by Covid-19 pandemic. However, this Court finds that the impugned judgment had been rendered nearly five months prior to the onset of Covid-19 pandemic. Further, even if Covid-19 pandemic limitation period is excluded, the clock would again start running from 1st March, 2022 and the appeal would be barred by limitation.

7. Consequently, the present appeal along with application is dismissed on the ground of delay and laches. However, the issue of law is left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J



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