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

+ **CM(M) 240/2025**

LAND AND DEVELOPMENT OFFICE

.....Petitioner

Through: Mr. Rohan Jaitley, CGSC with Mr. Dev Pratap Shahi, Mr. Varun Pratap Singh, Mr. Yogya Bhatia, Mr. Rajeev Kumar Das, Deputy Land and Development Officer.

versus

ARUN KUMAR DAWAR

.....Respondent

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

06.02.2025

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CM APPL. 7176/2025 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 240/2025 & CM APPL. 7175/2025 (Stay)

1. The present petition under Article 227 of the Constitution of India assails the orders dated 06.07.2023 and 24.01.2025 passed by learned ADJ-07 and DJ-07 respectively West, Tis Hazari Court, Delhi in Execution No. 236/2018 titled as "*Arun Kumar Dawar vs Land And Development Office*".

2. As per the factual background of the matter, the appellant had resumed land for the purpose of road, widening, improvement and strengthening of Sat Guru Ram Singh Marg (Rama Road) from Patel Road crossing to Kirti Nagar Police Station.



3. In terms of lease deed, notices were issued on 06.09.2002 before taking action of resumption of land. Being aggrieved by notice dated 06.09.2002, the respondent preferred the writ petition before the High Court. This Court vide order dated 20.09.2002 directed the respondent to appear before the Deputy Land and Development Officer on 30.09.2002.
4. After hearing the respondent, the amount of compensation was determined vide order dated 01.10.2002 @Rs 6,930/- per sq meters. Feeling aggrieved, the respondent filed a Civil Suit bearing No. Civ/DJ/610843/2016 titled as “*Arun Kumar Dawar vs Land and Development Office*” seeking declaration and injunction.
5. The Trial Court vide judgment dated 11.10.2017 passed a decree in favour of the respondent directing the petitioner to pay compensation @ Rs 14,490/- per sq meter portion of the land measuring 163.56 sq meter out of the property No. 3/2, Industrial Area which comes to Rs 23,69,984.40/-. The respondent was also held to be entitled to a simple interest @ 6% per annum from the date of the impugned order i.e. 07.10.2002 till the date of actual payment.
6. In the execution proceedings, the Execution Court issued the warrants of attachment against the movable properties of the JD including bank accounts of the petitioner vide orders dated 06.07.2023 and 24.01.2025.
7. Learned counsel appearing for the petitioner/JD submits that the petitioners have already paid a sum of Rs. 18,05,528/- out of the decretal amount and that the balance amount shall be paid within 90 days.
8. Mr. Rajeev Kumar Das, Deputy Land and Development Officer, who is present through VC undertakes that the balance decretal amount would be paid within 90 days.



9. Learned counsel for the respondent submits that subject to payment being made within 90 days, he has no objection in case the warrants of attachments issued by the Execution Court may be stayed.

10. The undertaking made by Mr. Rajeev Kumar Das, Deputy Land and Development Officer on behalf of the petitioner is taken on record and the petition is disposed of with directions to the petitioner to make the payment of balance decretal amount within 90 days and subject to the same, order of warrants of attachment be kept in abeyance for a period of 90 days.

RAVINDER DUDEJA, J

FEBRUARY 6, 2025

Sk/r