



सत्यमेव जयते

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
IN THE COURT OF SUB-DIVISIONAL MAGISTRATE, PATEL NAGAR
ROOM NO. 202, SUB-DIVISION PATEL NAGAR, DM OFFICE COMPLEX
RAJOURI GARDEN, NEW DELHI-110027**

F.No.01/SDM/PN/MARBLEMKT/2024/8167-8170

Dated: 24.07.2024

NAVINDER MEHTA & ORSApplicants/Petitioners

Versus

GNCTD & ORS. Respondents

ORDER

1. This order shall dispose of the applications filed by the applicants/petitioners as per the directions of the Hon'ble High Court vide order dated 17.07.2018 in W.P (C) No. 7301/2018, titled as Navindra Mehta and Ors. Versus GNCTD & Ors. the operative part of the said order is given below:

"5. In view of the above, this court considers it apposite to dispose of this petition by directing the concerned officer to consider the representation preferred by the Rajouri Garden marble market association as well as consider the averments made in the present petition and pass a speaking order. The concerned officer shall afford the petitioner an opportunity to be heard and shall also consider the judgment passed by this court in R.K.Bansal (supra) as well as survey report dated 23.05.2009."

The petitioners have filed a representation before this court which was pending for adjudication and to be decided by this court on the terms



2. As per applicant/petitioner's representation, they are the owners of separate plots/marble shops bearing plot no. C-1/1 to C-1/12 which are developed by the DLF and subsequently sanctioned, regularized by DDPA and Delhi Government. It was further stated that these shops/premises of applicants were sealed on 19.04.2018 without verifying the actual facts and revenue records. The applicants/petitioners were termed as encroachers on the basis of survey report dated 02.07.2018 conducted by M/s N.K.Engineer.
3. Applicants/petitioners further submitted that plots/premises of the applicants falling in C-1 Block, Rajouri Garden, New Delhi is part and parcels of Khasra No's 2276 and 2287 of the revenue estate Basai Darapur and as per revenue records and land acquisition records applicant's plot falling in these Khasra no's were never acquired by the Government.
4. As per applicants/petitioners they are the rightful legal owners of the plot purchased by them from the DLF and subsequent registered owners through registered sale deeds and thus the plots/properties of the applicants are their private properties. Also, on the basis of said sale deeds, applicants had applied and submitted plans for carrying out construction work and the said plans were sanctioned by the competent authorities.
5. That in the year 1999 i.e. on 20th February 1999, the PWD had affixed a notice on the applicants premises stating their land as government land and directed to remove themselves from the land within 3-4 days. The exact contents of the notice is read as under:

"It is informed that PWD's land has boundary upto 210 feet. Consequently, you are requested that whoever is dealing in marble on government land are called up to remove themselves within 3-4 days failing which the PWD shall remove all such premises falling in their land."
6. That the applicants/petitioners had challenged the said order/affixation by the PWD before the Hon'ble High Court of Delhi vide W.P. (C) No. 1140/1999, titled as **R.K.Bansal & Ors. Vs. GNCTD & Ors**, the hon'ble high court vide judgment dated 21.07.2010 ascertained, confirmed and determined right/title of the applicants/petitioners and hold that the applicants are the rightful owners and in the rightful possession of their respective properties and they are not the encroachers.



7. It is further submitted by the applicants/petitioners that as per the plan of Delhi Development Provisional Authority (DDPA) dated 08.05.1956, the total width of ring road is 18 Gathas i.e 45.27Mtr and the colonizer i.e. M/s DLF Housing Construction Pvt. Ltd. who developed the colony *Rajouri Garden, New Delhi*, after development had handed over the layout plan dated 20.03.1956 to Delhi Development Provisional Authority (DDPA). The said plan was accepted by the DDPA and as per the said plan the width of the road is 18 Gathas i.e 45.27 Mtr. As per MPD-1962, the width of the road is 18 Gathas i.e 45.27 Mtr. Thus, as per all the records, the width of the Ring road is 18 Gathas i.e 45.27 Mtr and the plots of the applicant's falls out of the area/width of Ring road and do not fall on the public/government land.
8. It is further submitted by the applicant that in the year 2009, demarcation of ring road was carried out by the SDM Patel Nagar on the instance of the then monitoring committee constituted by the Hon'ble Supreme Court of India and a ***demarcation report was prepared and submitted vide letter dated 23.05.2009 by the then SDM Patel Nagar.*** The observation made by SDM Patel Nagar in respect of applicants/petitioners plots/land which fall under Pocket/Block C of Rajouri Garden is as under:
- "Pocket-C & D: as per TSM Map the khasra no. 2276 and 2287 comes in pocket C and pocket D. Both the above khasra no's has not been acquired vide award no. 17/73-74. There is complete road towards the west of this khasra number measuring 18 Gathas (width) so there is no encroachment in Pocket C and Pocket D."***
9. Applicants/petitioners concluded by saying that the demarcation report dated 23.05.2009 was done and mapped by the same agency i.e M/s N.K.Enginner, who prepared the map in 2018 but in the year 2009, the applicants were not encroachers and the applicants were in rightful possession of their plots as the land of the applicants is private land. However, the same agency vide its report in the year 2018 reverse its own report and declare them as encroachers. Applicants requested this court to know the reason of such variation from the agency, if possible so that applicants can also come to know the reason of such different reports.
10. In this matter, the reply of North Delhi Municipal Corporation office at Karol Bagh now known as Municipal Corporation of Delhi (MCD) dated



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02.04.2019 is taken on record. As per reply filed by the MCD, total 42 marble units/stacks located at marble market, Rajouri garden were sealed on 19.04.2018 and 09.05.2018. it is further stated that as per layout plan of 1957, the ROW (Right of Way) of the ring road in the stretch raja garden flyover to Mayapuri flyover is 210 feet. It is also stated by the MCD that as per Zonal Plan (Zone G-2) also the ROW of the ring road should be 210 feet.

11. Further, in this matter, PWD vide its written submission dated 25.03.2019 questioned the jurisdiction of this court to decide this matter on the basis of ruling of Hon'ble Supreme Court in M.C.Mehta Vs. UOI & Ors.
12. The appellants/petitioners vehemently denied the submissions made by the MCD and stated that zonal development plan submitted by MCD is pertaining to Mansarovar Garden Colony, however the applicant's area falls in Rajouri Garden. The zonal development plan was approved on 17.06.1971 and this fact was incorporated that the ROW of ring road should be 210 feet as per layout plan 1957. It is stated that the submission made by the MCD clearly show that insofar as the right of way of the ring road is concerned, the same was proposed in terms of plan. The perusal of plan would also show that the right of way of 210 feet is proposed in the year 1957 and 1971. It is pertinent to mention herein that in the zonal plan, there is nowhere mentioned that how much area of road is available and how much is required from private properties.
13. Appellants stated that neither MCD nor PWD acquire the entire proposed width of ROW and further the authority concerned never remain in physical possession of 210 feet road in the year 1957 and 1971. Therefore, proposed ROW (Right of Way) is to be constructed after the acquisition of private properties falling within the proposed width of ROW.
14. In case of PWD, appellants submitted that PWD has sought to rely upon the orders passed by the Hon'ble Supreme Court. The aforesaid orders do not in any manner lead to the conclusion that the present matter cannot be heard by this Hon'ble Court more so when there is no challenge to any of orders of the monitoring committee. It is submitted that the applicants challenged the demarcation report survey report before Hon'ble High Court and in the representation and application the main grievance of applicant is the impugned demarcation report/survey report dated



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02.07.2018. The applicants are neither challenging any order of sealing nor challenging any direction passed by monitoring committee.

15. That the then NDMC now MCD vide communication letter dated 14.01.2019 has communicated the order of the monitoring committee in respect of the properties situated Rajouri garden, Delhi which were sealed on 19.04.2018, wherein the monitoring committee had itself stated that the temporary de-sealing is allowed till the finalization of the case before Revenue authority. The applicants are only aggrieved by the demarcation report dated 02.07.2018 and not by sealing order passed by the monitoring committee. Therefore, the objections regarding jurisdictional issue raised by the PWD are without any merit and hence, the proceeding are continuing before this Hon'ble Court.
16. In this matter a report of demarcation of marble shops on the Rajouri Garden stretch of ring road of village Basai Darapur was submitted to the Member (Monitoring Committee) by the then SDM (Patel Nagar) vide letter no. F.SDM (PN)/Misc./05/2008/2601 dated 23.05.2009. the order for demarcation was issued on 01.07.2008 but the same was stayed by the Hon'ble High Court vide its order dated 02.07.2008 in W.P (C) No. 4662/2008, titled as Shyam Sunder Maheshwari & Ors. Vs. SDM (Patel Nagar) & Ors. Later on vide order dated 22.09.2008 and modification order dated 03.10.2008, the Hon'ble High Court, Delhi allowed the SDM (Patel Nagar) to carry out the demarcation in terms of the order passed by the court.
17. Accordingly, demarcation was started w.e.f. 24.10.2008 and the field work of demarcation was completed on 29.12.2008. Notices to all parties including PWD were issued to appear on 06.04.2009 for finalizing the report but on 09.04.2009, PWD filed written submission that the width of the service road was not considered while calculating the total width of ring road. However, PWD has not mentioned the awarded/Government land, if any left without consideration. As per status report filed by the then SDM (Patel Nagar), the objective of demarcation is to find out the status/possession of occupants of owners of land as per revenue records, which has already been considered. After considering the report of surveyor and revenue record, the pocket wise report was submitted by the then SDM (Patel Nagar) but this court will consider the report w.r.t applicants/petitioner's pocket only i.e. Pocket C. A detail report w.r.t Pocket C is given below:



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Pocket - A

Pocket - B

Pocket - C & D: *As per TSM Map the khasra no. 2276 and 2287 comes in pocket C and pocket D. Both the above khasra no's has not been acquired vide award no. 17/73-74. There is complete road towards the west of this khasra number measuring 18 Gathas (width) so there is no encroachment in Pocket C and Pocket D.*

The red line shown in the map from south towards north is from hotel Jageer palace boundary of village Basai Dara Pur and Naraina to raja garden Najafgarh road indicating the road of width 18 Gathas. Towards western side of the ring road broken red lines have been shown in some khasra numbers which were acquired vide ward no. 17/73-74 and award no. 01/2001-2002. After pocket B towards south the award no. 17/73-74 has been shown as acquired land through red lines. Towards north of pocket B award no. 1/2001-2002 has been shown as acquired land through red lines. If the said red line is extended in pocket B, C & D for the purpose of widening of road, private properties will fall in these extended portions."

18. Now, as per the direction of Hon'ble High Court, the case of the applicants/petitioners has to be examined in the light of judgment dated 21.07.2010 in W.P (C) No. 1140/1999, titled as ***R.K.Bansal & Ors. Vs. GNCTD & Ors.*** It is submitted that the Hon'ble High Court vide judgment dated 21.07.2010 has allowed the writ petition filed by the marble market traders of Rajouri garden. Some of the important and operative para of the judgment is given below:

"3. The Petitioners state that each of them had purchased the plots in question from the DLF through registered sale deeds copies of which have been enclosed with the petition. The earliest of the sale deeds is of 23rd August 1955. There is one of 25th May 1957. There are sale deeds of 1960s and the last of the sale deed is of 1978. The Petitioners state that they are the lawful owners of the said plots. The Petitioners further state that they are carrying on the business of trading in marble on the said plots for many years. It must be mentioned that the plots in Block C-1, Rajouri Garden abut the main Ring Road. The Petitioners state that in terms of the lay-out plan approved in 1956 the Ring Road was to be of 100 ft. with two stripes of subsidiary roads of 30 ft. each on either side.



Therefore, the total width for the main road and the subsidiary roads was to be 160 ft. The case of the PWD, on the other hand, is that the road was meant to be 210 ft. and, therefore, they are entitled to take 25 ft. on either side for that purpose. The case of the PWD is that the DLF has sold to the Petitioners in contravention of the lay-out plan, lands that fall on the 25 ft. stretch of a subsidiary road. PWD, therefore, claims an area comprising width of 25 ft. on one side of the Ring Road for the purposes of expanding the Ring Road. It must be mentioned that as regards the expansion of the Ring Road in the areas, other than Block C-1, there had been specific land acquisition awards in terms of which lands were purchased by the GNCTD for the PWD for that purpose.

6. A counter affidavit has been filed by the PWD on 5th April 1999. This is a fairly short counter affidavit. In para 3, after stating that the Petitioners have not cared to file the sanctioned lay-out plan given by the Government to the colonizer, i.e., DLF, it was stated that the said sanctioned plan is enclosed with the affidavit. The said sanctioned layout plan enclosed with the counter affidavit of the PWD shows the Ring Road to be of 100 ft. and the subsidiaries roads of 30 ft width. This sanctioned plan is signed on two dates, i.e., 8th May 1956 and 4th August 1956. The Petitioners have placed a further copy of the said sanctioned plan on record. It is significant that apart from the above sanctioned plan, the PWD has itself not placed any other sanctioned plan on record. It is then stated in para 4 of the affidavit as under:

"4. That for the construction of the Ring Road, the land was acquired at three stages as under:-

- (i) Mutation No. 92 in the year 1915-16 for a width of 50 feet.
- (ii) Award No. 692 of 1953 for additional width of 50 feet (widening of the road by 25' on each side).
- (iii) Award no. 1113 of 1961 for additional width of 50 feet (widening of 25 feet on each sides). It is humbly submitted and stated that as mentioned above, the total 150 ft. width was thus acquired for the construction of the Ring Road and as mentioned in above para, 30 ft. subsidiary road on each side of this Ring Road was supposed to be left as per the sanctioned plan copy of have been enclosed. Thus, the total width of the Ring Road at present on the site should be 210 ft. and accordingly, the answering respondents are removing the encroachments from 210 sq. ft. only and the respondents are within their right to remove such encroachment."



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14. Relevant to the case on hand, the learned SDM has in the demarcation report stated the following as regards Pocket - C & D: "Pocket - C & D: As per T.S.M. Map the Khasra No. 2276 and 2287 comes in Pocket C and Pocket D. Both the above Khasra No. 2276 and 2287 had not been acquired vide Award No. 17/73-74. There is complete road towards the west of this Khasra Numbers measuring 18 Gathas (width) so there is no encroachment in Pocket C & D. The red line shown in the map from South towards North is from Hotel Jageer Palace, boundary of village Basai Dara Pur and Naraina to Raja Garden Najafgarh road indicating the road of width 18 Gathas. Towards Eastern side of the Ring Road Broken Red Lines have been shown in some Khasra numbers where were acquired vide Award No.17/73-74 and Award No.1/2001-2002.....(illegible)

Award No. 17/73-74 has been shown as acquired and through red lines. Towards north of Pocket b Award No. 1/2001-2002 has been shown as acquired land through red lines. If the red line is extended in Pocket B, C & D, for the purpose of widening of road, private properties will fall in these extended portions."

15. The enclosed survey map shows that the area in question is immediately abutting the Ring Road and that an extent of 25 ft. on the side of the Ring Road towards the C-1 Block could obviously cut across the C-1 Block. It was for this reason that the report notes that for the purposes of road widening, private properties would fall in the extended portions.

26..... At no point of time had the validity of these sale deeds been questioned. It is not as if the Petitioners are overnight encroachers on the public land. They have valid documentation justifying their having built up the structures on land validly sold to them. They cannot be declared to be illegal occupants. If indeed the land has to be taken over by the PWD for public purpose for a road expansion, it is necessary for the PWD to follow the due process of law. That simply cannot be avoided by surmising about events that transpired more than 50 years ago.

28a. If one were to go by what the Supreme Court was informed by the Government itself, clearly then "all streets" in Rajouri Garden were in fact handed over by the DLF to the MCD without any protest. One will necessarily have to go by the above statement made to the Supreme Court way back in 1976. Therefore, even the MCD will not be able to deny



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that whatever were the streets in terms of the approved site plan in Rajouri Garden, were in fact handed over to the MCD.

29. Many of the sale deeds under which the Petitioners are claiming to be the lawful owners of the properties in question were executed between 1955 and 1976. Even on this basis, it is not possible to accept the submission of the learned counsel for the PWD that the Petitioners have encroached upon the land belonging to PWD.

30. The documentation placed on record simply does not support the case of the PWD at all. The resultant position is that the Respondents could not have proceeded to demolish the structures put up by the Petitioners in the plots in Block C-1 Rajouri Garden in the manner that they attempted to do, which prompted the Petitioners to approach this Court.

31. On 26th May 1999 this court had been informed by the learned counsel for the Respondents that "the property which is the subject matter of the present petition has not been acquired but the predecessors of the petitioner gave an undertaking that they will keep the land vacant for use of general public." This Court then directed the parties to maintain status quo with regard to possession. In a subsequent order dated 24th November 1999 it was directed that the interim order will continue but that "it will be open for the respondents to formally acquire the land and take such other steps as may be required in accordance with law to take possession of the land." The Respondents have been unable to establish that they were entitled to take over the lands in question without resorting to any acquisition proceedings. They have also not been able to show that the Petitioners gave any undertaking to keep the land vacant.

31..... Suffice it to say that in the event that the Respondents require the properties in question for expansion of the road, then just as they have in respect of the adjoining properties, they should proceed to initiate ***appropriate legal proceedings for acquisition of these properties in accordance with law.***

32. The writ petition is accordingly allowed with a direction that the Respondents shall not remove the Petitioners' shops and structures located in Block C-1, Rajouri Garden, New Delhi or in any manner interfere with the possession thereof except in accordance with the procedure established by law.



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19. ARGUMENTS:

- i. The Id. Counsel for the PWD argued that applicant prayer to this court to declare the action of sealing of the plots/premises of the applicants as illegal does not hold any grounds as the sealing of plot/premises were done by the order of monitoring committee constituted by the Hon'ble Suprme Court. Therefore, this court has no authority to review or reverse the order passed by the monitoring committee.
- ii. The Id. Counsel for the PWD further argues that sealing or de-sealing of plots/premises of the applicants/petitioners are also out of purview of this court as the same were sealed by the order of monitoring committee.
- iii. The Id. Counsel for the PWD opposed for granting any relief or order mentioned in the prayer by the applicants/petitioners as the same are beyond the jurisdiction of this office.
- iv. The Id. Counsel for the applicants/petitioners vehemently denied all the arguments laid down by the PWD and argued that if this court is not competent to pass any order, then there is no relevancy of order dated 17.07.2018 passed by the Hon'ble High Court. PWD is doing contempt of Hon'ble High court by denying the order of Hon'ble High Court. PWD is restraining this court to pass any order in this matter despite of clear cut direction from the Hon'ble High Court. This matter was remanded to this Hon'ble court on the consensus of both the parties. Therefore, there is no question of jurisdiction and this court is competent to pass order in this matter.
- v. The Id. Counsel for the applicants/petitioner stated that they have placed five prayer before this Hon'ble court and the details of which are given as under:
 - A. Issue an order/direction for setting aside/quashing the survey report dated 2.7.2018 conducted by the M/s N.K.Engineer is wrong and hold that the survey report is not in conformity with revenue records.
 - B. Issue order that the applicants are not encroachers and are the legal rightful actual owner of their respective land/plot



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and plots of the applicants are their private properties and further hold that land/plots of the applicants comes Khasra nos 2276 and 2287 and these two Khasra no 2276 and Khasra no. 2287 were never acquired by the land acquisition department till date.

- C. Issue an order holding that the action of sealing of the plots/premises of the applicants was illegal and under the gross violation of principles of natural justice, law and revenue records.
- D. Issue direction to de-seal the premises of the applicants with immediate effect being actin of sealing the premises/plots of applicants was bad in law, illegal and erroneous.
- E. Pass such order and further order as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.

- vi. The Ld. Counsel for the applicants/petitioner argued that the first prayer is regarding demarcation report dated 02.07.2018 which was conducted by M/s N.K.Engineer and the demarcation report is always conducted on the basis of revenue records by the office of concerned SDM. This Hon'ble court has also summoned M/s N.K Engineer on previous date and directed him to submit status report. Further, applicants/petitioner query is only w.r.t rules and procedure followed by M/s N.K.Engineer while preparing survey report dated 02.07.2018.
- vii. The ld. Counsel for the applicants/petitioner argued that the second prayer is regarding acquisition of land and the acquisition status of khasra no's 2276 and 2287 of village Basa iDarapur is available in the office of District Magistrate i.e. this office itself and as per this case file record a land acquisition report dated 11.03.2024 has already been filed in this case.
- viii. The ld. Counsel further argued that for the prayer no. 3, 4 and 5, this court is competent to pass order. However, applicants are not pressing hard for it as their plots/premises were already been de-sealed by the order of monitoring committee.



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20. FINDINGS:

- (i) A status report is taken from land acquisition branch, district West with respect to Khasra No's 2276 and 2287 of village Basai Darapur to verify the acquisition proceedings in this case. A status report dated 11.03.2024 has been received from the Naib-Tehsildar (LA) which also confirms the findings of the then SDM (Patel Nagar) regarding Khasra No's 2276 and 2287 of village Basai Darapur.

That the Hon'ble High Court in para 31 of the judgment dated 21.07.2010 in R.K.Bansal case stated that the respondent i.e PWD have been unable to establish that they were entitled to take over the lands in question without resorting to any acquisition proceedings. A detailed acquisition report submitted by N.T (LA) is annexed.

- (ii) A clarification is also sought from the surveyor, M/s N.K.Engineer to explain incongruity among the reports dated 23.05.2009 and 02.07.2018. in this regard, M/s N.K.Engineer vide letter dated 26.06.2024 submitted its reply. Vide letter dated 26.06.2024, it is submitted that:

"the demarcation report dated 02.07.2018 was prepared on the direction of monitoring committee letter on dated 29.06.2018. it is further stated that the said demarcation report was based upon a certified map obtained from MCD and was not conducted from Revenue records. The marking was done as per width of road given in provided monitoring committee plan (i.e 210 feet) instead of considering revenue records."

- (iii) It is further added that this court is not competent to pass any order regarding sealing or de-sealing of plots/premises of the applicants as the same were sealed or de-sealed by the order passed by the Hon'ble Monitoring Committee constituted by the Hon'ble Supreme Court of India.

- (iv) Also, village Basai Darapur has been urbanized vide notification no. RNZ/526 dated 13.06.1963 and subsequently notification under section 22(1) of Delhi Development Act, 1956 was also issued vide notification no. 133021/3/70-LI dated 20.8.1974. Therefore, the issue related to title of the land is not maintainable before this court. However, during the proceedings, it is also revealed that the



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title deeds produced by the applicants before this court are never challenged by the respondents at any point of time before the competent court.

(v) The objections and averments made by the MCD and PWD during this entire proceedings were already discussed and ordered by the Hon'ble High Court vide order dated 21.07.2010 in W.P (C) No. 1140/1999, titled as R.K.Bansal Vs. GNCTD & Anr. Ld. Counsel for PWD failed to place any documents related to their claims.

(vi) There are catena of judgments like Roshana Begum Vs. Union of India, DCM Ltd. Vs. Union of India, Munni Lal & Ors. Vs, Lt. Governor & Ors. etc which hold that:

"the master plan of Delhi does not automatically take away land from private owners. The master plan outlines the zoning regulations and land use plans for the orderly development of Delhi. However, the implementation of the master plan, including any changes in land use or acquisition of land, must comply with the relevant legal provisions, such as the Delhi Development Act and the Land Acquisition Act.

The master plan serves as a framework within which zonal development plans are prepared, and it provides guidelines for the use of land in different zones. Any changes in land use or development must adhere to the regulations set forth in the master plan and other applicable laws. Private landowners have certain rights over their land, and any modifications or acquisitions must be carried out in accordance with the legal procedures outlined in the relevant legislation.

Therefore, while the master plan can influence the permitted land use and development in Delhi, it does not automatically deprive private owners of their land rights. Any changes or acquisitions must be done lawfully and in compliance with the established legal framework."

(vii) Further, the Hon'ble Supreme Court of India vide its judgment dated 16.05.2024 in Civil Appeal No. 6466/2024 arising out of SLP No. 4504/2021, titled as Kolkata Municipal Corporation & Ors. Verus Bimal Kumar Shah & Ors hold that the state cannot



(vii) Further, the Hon'ble Supreme Court of India vide its judgment dated 16.05.2024 in Civil Appeal No. 6466/2024 arising out of SLP No. 4504/2021, titled as Kolkata Municipal Corporation & Ors. Versus Bimal Kumar Shah & Ors hold that the state cannot acquire private property without proper procedure. Compulsory acquisition of private properties will be unconstitutional if proper procedure is not followed. It said that

"the State must mandatorily comply with the procedure which has been provided under the statute for an acquisition to be valid under Article 300A". The court added that "the existence of and adherence to procedural safeguards is crucial for the protection of the right to property as they ensure fairness, transparency, natural justice and non-arbitrary exercise of power in the process of acquisition".

It is also told by both the parties that an appeal vide LPA No. 723/2010, titled as **Govt. of NCT Delhi through Executive Engineer PWD Vs. R.K.Bansal&Ors.** is pending before the Hon'ble High Court. This case was last listed on 17.11.2011 and there is no further listing order in this case. However, it is clear from the perusal of the Hon'ble High court order dated 04.10.2010 and 17.11.2011 that neither judgment dated 21.07.2010 nor order dated 17.07.2018 were ever stayed by the Hon'ble High Court in pending LPA. Subsequently vide order dated 17.07.2018 in W.P (C) No. 7301/2018, the Hon'ble High Court issued certain direction to this office and the same has been complied vide this order.

In the light of above said findings, this court disposes of the present application filed by the applicants/petitioners and all other connected/similar applications, if any filed by both the parties in reference to the Hon'ble High Court order dated 17.07.2018.

Announced in the open court on 24TH July 2024.

File be consigned to record room.



SUB-DIVISIONAL MAGISTRATE
(PATEL NAGAR)
DISTT. WEST, DELHI.

Copy for information to:

1. All concerned parties.
2. DIO, District West with a request to upload this order at official website of this office.
3. P.A to DM (West), Distt. West, Raja Garden, New Delhi.
4. P.A to ADM (West), Distt. West, Raja Garden, New Delhi.
5. Guard File.



**SUB-DIVISIONAL MAGISTRATE
(PATEL NAGAR)
DISTT. WEST, DELHI.**

304/C

STATUS REPORT

As per order/direction of SDM (Patel Nagar) in case titled as **NAVINDER MEHTA & ORS Vs. PWD & Ors** pending in the court of Ld. SDM (Patel Nagar), the land acquisition details with respect to Khasra No. 2276 and 2287 of village Basaidarapur is given as under:

S. No.	Khasra No.	Area	Award No.	Acquired Area	Unacquired Due
1.	3717/2529/2276	0-17	1113 Dated 31-1-61	1-3	28-06
2.	3718/2529/2276	28-9			
3.	3719/2530/2276	0-12	692 Dated 5/3/52	0-12	NIL
4.	3720/2530/2276	4-14	1113 Dated 31/1/61	0-19	3-15
5.	3721/2533/2287	0-10	692 Dated 5/3/52	0-10	NIL
6.	3722/2533/2287	17-13	1113 Dated 31/1/66	0-17	16-16
7.	3723/2534/2287	0-14	692 Dated 5/3/52	0-14	NIL
8.	3724/2534/2287	11-16	1113 Dated 31/1/66	1-3	10-13
9.	2535/2287	0-2	692 Dated 5/3/52	0-2	NIL

Note:- Acquisition status is as per L.R. Register of village Basaidarapur.

Pls
11.03.2024

AMIT KUMAR
N.T. (LA)
NT, LA

may kindly see the
Report of Record Keeper for
consideration.

(RAKESH KUMAR)
KANUNGO/RECORD KEEPER

Reader to SDM (Patel Nagar)

