

Union Of India vs Om Prakash & Ors on 10 October, 2023

Author: Manmeet Pritam Singh Arora

Bench: Manmeet Pritam Singh Arora

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IN THE HIGH COURT OF DELHI AT NEW DELHI
LA.APP. 516/2023 & CM APPLs. 52552/2023,
52554/2023, 52555/2023

UNION OF INDIA

OM PRAKASH & ORS.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA
ORDER

% 10.10.2023 CM APPL. 52552/2018 (For Exemption) Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of. CM APPL 52555/2023 (for delay in filing)

1. This is an application under section 151 of CPC seeking condonation of delay in filing the present appeal.

2. For the reasons stated in the application, the delay of 34 days in filing the present appeal is condoned.

3. The application stands disposed of.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 12/10/2023 at 13:51:18
CM APPL 52553/2023 (for extension of time to file court fee)

4. This is an application seeking extension of time to affix the Court fees on the appeal

5. For the reasons stated therein, the application is allowed. Further time of six (6) weeks is granted

to affix the appropriate Court fees.

6. The application stands disposed of.

LA.APP. 516/2023 & CM APPL 52554/2023 (stay)

7. This is an appeal filed under Section 54 of the Land Acquisition Act, 1984 for impugning the judgment dated 19.04.2023 passed by the Additional District Judge-01, North District, Rohini Courts, Delhi ('Reference Court') in LAC No. 391/2019 in respect of award No. 19/2005-06/DC(NW) pertaining to Village Bawana, Delhi.

8. Mr. Sanjay Kumar Pathak learned counsel appearing for the Appellant submits that the issue raised in the present appeal is similar to the issue raised in LA APPL No. 19/2014 titled as 'M/s Shivalik Diaries Pvt Ltd vs Union of India & Anr.', which has been admitted is now listed in the category of 'Regular Matters'.

9. Issue notice. Notice is accepted by Mr. Ashim Vacher, learned Standing Counsel appearing on behalf of Respondent No.3, Delhi Development Authority (DDA)

10. Upon Appellant taking steps within two (2) weeks, notice be issued to unserved Respondent Nos .1 and 2, by all permissible modes.

11. Upon deposit of the entire decretal amount within six (6) weeks from today, the operation of impugned order shall remain stayed. 11.1 CM APPL. 52554/2023 (stay) is supported by an affidavit sworn by Additional District Magistrate acting as Land Acquisition Collector This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 12/10/2023 at 13:51:18 ('LAC'). In view of the aforesaid direction issued for deposit of decretal amount within eight (8) weeks, the LAC shall ensure that appropriate demand is raised to Respondent No. 3 i.e., Delhi Development Authority within three (3) days from today, failing which the LAC shall be personally liable for any further default in compliance of this direction. 11.2 Issuance of this direction has become imperative as this Court has observed that Union of India has defaulted in several appeals in depositing the decretal amount and the only explanation given by the beneficiary is that the demand has not been communicated by the LAC for a long time. This has led to great inconvenience to the Respondent, land owners and stalled the proceedings before the Reference Court.

12. Admit.

13. List before the Registrar for completion of service on 13.12.2023 qua the un-served Respondents.

14. Thereafter, list the present appeal alongwith L.A. APP No. 19/2014 in the category of 'Regular Matters'.

MANMEET PRITAM SINGH ARORA, J OCTOBER 10, 2023/msh/ms Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 12/10/2023 at 13:51:19