

Surender Kumar Gupta vs Government Of Nct Of Delhi & Anr on 8 April, 2022

Author: Mukta Gupta

Bench: Mukta Gupta, Neena Bansal Krishna

\$~23-26 (common order)

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 5789/2022

CM APPL.17299/2022 (for stay)

SURENDER KUMAR GUPTA

..... Petitioner

Represented by: Mr. Rajesh Yadav, Senior
Advocate with Ms. Ruchira
V. Arora, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ANR..... Respondents

Represented by: Mr. Achal Gupta, Advocate for
R-1.
Mr. Yeeshu Jain, Standing
Counsel for R-2 with Ms. Jyoti
Tyagi & Ms. Surbhi Arora,
Advocates.
Mr. Tarun Johri, Advocate with
Mr. Ankur Gupta, Advocate for
DMRC.

24.

+ W.P.(C) 5795/2022

CM APPL.17340/2022 (for stay)

VINOD RAJORIA

.....

Represented by: Mr. Rajesh Yadav,
Advocate with Ms.
V. Arora, Advocate

versus

GOVERNMENT OF NCT OF DELHI & ANR..... Respondents

Represented by: Mr. Anubhav Gupta, Advocate
for R-1.
Mr. Yeeshu Jain, Standing
Counsel for R-2 with Ms. Jyoti
Tyagi & Ms. Surbhi Arora,
Advocates.
Mr. Tarun Johri, Advocate with
Mr. Ankur Gupta, Advocate for
DMRC.

Signature Not Verified
Digitally Signed By: JUSTICE
MUKTA GUPTA

W.P.(C) 5789/2022 & connected matters

Signing Date:12.04.2022

18:18:46

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W.P.(C) 5796/2022

CM APPL.17343/2022 (for stay)

BIRENDER BIR GUPTA

Represented by:

.....
Mr. Rajesh Yadav,
Advocate with Ms.
V. Arora, Advocate

versus

GOVERNMENT OF NCT OF DELHI & ANR..... Respondents

Represented by: Ms.Asiya Khan, Advocate for
R-1.

Mr.Yeeshu Jain, Standing
Counsel for R-2 with Ms. Jy
Tyagi & Ms. Surbhi Arora,
Advocates.

Mr. Tarun Johri, Advocate w
Mr. Ankur Gupta, Advocate f
DMRC.

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W.P.(C) 5803/2022

CM APPL.17368/2022 (for stay)

SHAMSHER SINGH AHLAWAT

..... Petition

Represented by: Mr. Rajesh Yadav, Senior
Advocate with Ms. Ruchira
V. Arora, Advocate.

Versus

GOVERNMENT OF NCT OF DELHI & ANR..... Respondents

Represented by: Mr.Amandeep Joshi, Advocate
for R-1.

Mr.Yeeshu Jain, Standing
Counsel for R-2 with Ms. Jy
Tyagi & Ms. Surbhi Arora,
Advocates.

Mr. Tarun Johri, Advocate w
Mr. Ankur Gupta, Advocate f
DMRC.

Signature Not Verified

Digitally Signed By:JUSTICE

MUKTA GUPTA

W.P.(C) 5789/2022 & connected matters

Signing Date:12.04.2022

18:18:46

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% 08.04.2022

1. We have heard the learned counsel for the parties.
2. Since Delhi Metro Rail Corporation (in short, 'DMRC') is a necessary party in the present writ petitions, learned counsel for the petitioners seek leave to implead the DMRC as a party. Amended memo of parties be filed in the course of the day.
3. Issue notice to the newly added respondent/DMRC.
4. Notice is accepted by the learned counsel appearing on behalf of the DMRC.
5. At this stage we are not inclined to stay the notices bearing Nos. F.1(756)/LA/DC(S)/MRTS/2020/266-269 and F.1(756)/LA/DC(S) /MRTS/ 2020/270-277, both dated 31st March, 2022 issued by the Government of NCT of Delhi, Land Acquisition Collector (in short, 'LAC')/ respondent No.2 herein, for the reason the notices itself note that the land in question is required for the public utility purposes, that is, for DMRC.
6. Claim of the petitioners in these petitions is that the compensation has not been paid to the recorded owners whereas the claim of the respondent No.2/LAC is that the compensation money was deposited as Revenue Deposit (RD) in the name of recorded owners on 29th March, 1988.
7. From the record it is further evident that this money was never paid to the recorded owners and when this Court raised the query as to why compensation money was not paid to the recorded owners, learned standing counsel for the LAC states that refund vouchers are issued when a party/claimant file an application for release of the money and since no one came forward for filing an application seeking release of compensation money, no refund vouchers were prepared and the money was utilized for another project.
8. A detailed affidavit will be filed by the respondent No.2/LAC in response to the writ petitions and also indicating as to the amount, which the petitioner/ recorded owners will now be liable to receive as compensation.
9. Learned counsels for the respondent No.1 and 2 as also newly added respondent No.3/DMRC will file their counter affidavits in relation to the compensation to be paid to the petitioners in lieu of the possession of their property being taken by them within two weeks.
10. Rejoinder affidavit be filed within one week thereafter.
11. List these petitions on 5th May, 2022.
12. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

NEENA BANSAL KRISHNA, J.

APRIL 08, 2022 vk