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

1 (SDB)

+ **W.P.(C) 7196/2014**

SUBHASH KHATRI & ANR.

.....Petitioners

Through: Mr. Abhishek Khanna, Advocate with
Mr. Abhimanyu Singh Khatri for non-applicant

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Yeeshu Jain, Standing Counsel with
Ms. Jyoti Tyagi, Advocates for the review
petitioners/applicants/ LAC
Mr. Dhanish Relan with Ms. Ashmita Manocha,
Advocates for DDA

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV SACHDEVA

ORDER

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26.05.2017

Review Pet. 211/2017 (for review of the judgment dated 2nd February, 2015) & CM 19322/2017 (delay of 439 days in filing the review petition)

1.This is a review petition by the Land Acquisition Collector ('LAC') seeking review of the judgment dated 2nd February, 2015 passed by this Court in W.P.(C) No. 7196/2014 whereby after recording that "it is an admitted position that neither physical possession of the subject lands had been taken by the land acquiring agency, nor has any compensation been paid to the petitioners", the Court allowed the writ petition holding that "the Petitioners are entitled to a declaration that the said acquisition proceedings

initiated under the 1894 Act in respect of the subject lands are deemed to have lapsed.”

2. The present review petition has been filed with a delay of 439 days.

3. Learned counsel appearing for the Petitioners / Non-Applicants has drawn the attention of the Court to the fact that against the judgment dated 2nd February, 2015 of this Court and several other orders of the same nature, a batch of Special Leave Petitions were filed by the Delhi Development Authority (‘DDA’) in the Supreme Court. The review Petitioners/Applicants i.e. the LAC was the party Respondents in those petitions. The judgment of this Court passed in W.P.(C) No. 7196/2014 (the review of which is sought here) was also a part of the batch of appeals being Civil Appeal No. 4591 of 2016.

4. All the said appeals filed by the DDA, to which the LAC was also a party, were dismissed by the Supreme Court by a judgment dated 28th April, 2016. A perusal of the said judgment shows that in paragraph 7 it has been recorded as under:

“7.It is not in dispute that in all these cases, the land has not been taken possession of by the Collector within five years or more prior to 01.01.2014 when the 2013 Act came into force .”

5. Mr. Yeeshu Jain, learned Standing Counsel appearing for the Review Petitioners/LAC states that it has since then come to the knowledge of the LAC that physical possession was in fact taken of the subject lands in terms of a report dated 27th May 1996 in terms of which physical possession of the subject land was taken at the spot. He, however, maintains that

compensation was not paid to the Petitioners/Non-Applicants.

6. In view of the fact that the Supreme Court has already dismissed the appeals against the judgment of this Court by a judgment and this included Civil Appeal No. 4591 of 2016 filed by the DDA to which the LAC was a party, and in para 7 of which judgment it is recorded that possession of the land has not been taken, this Court declines to entertain the present review petition.

7. The review petition and the application for condonation of delay are dismissed.

S.MURALIDHAR, J

SANJEEV SACHDEVA, J

MAY 26, 2017

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