

IN THE COURT OF THE FINANCIAL COMMISSIONER

Case No. 381/2012

Smt. Poonam Chadha Vs. Sh. Ashok Chabra & Ors.

11/04/2014

Present : Ms. Shobhna Takiar, Counsel for Petitioner.
None for the Respondents.

1. Originally, an appeal u/s 66 of Delhi Land Revenue Act, 1954 was filed by the appellant on October 14, 1998 against order dated August 25, 1998 of Collector (South) in a mutation case. This case was adjourned *sine-die* vide this Court's order dated January 14, 1999 since a writ petition challenging Land Acquisition Collector's notice for taking possession of suit land was pending before Hon'ble High Court. Now appellant has moved an application for revival of said appeal.
2. Heard the Ld. Counsel for appellant in detail. Ld. Counsel informed that Hon'ble High Court was pleased to implead her as a necessary party in the writ petition. She further clarified that the matter has finally been decided by Hon'ble High Court vide order dated September 13, 2010 in WP(C) No. 909/2003 which was filed against the order of Government rejecting application for denotification. The operative para of order of Hon'ble High Court dated September 13, 2010 is reproduced as under :

"The present writ petition is thus allowed to the limited extent of the case of the petitioners to be re-examined on merits insofar as the plea for release of the land under Section 48 of the said Act is concerned. The petitioners will file a comprehensive application within two weeks from today. The matter being quite old, we would expect the competent authority to give urgent attention to this matter and take a reasoned decision on the plea of the petitioners after giving adequate opportunity to all the parties to put forth their case. Needless to say that the petitioners will not be dispossessed of the land during the pendency of the application under Section 48 of the said Act and in case of an adverse verdict for a period of fifteen days thereafter. The petitioners will, however, maintain status quo as to nature, title and possession of land. We, however, make it clear that if the petitioners fail to file an application within two weeks, the direction against dispossession would not enure for the benefit of the petitioners.

The petition is accordingly allowed to the aforesaid extent leaving the parties to bear their own costs."

3. Since the land stands acquired, appellant now pleads that this case can be disposed of by directing Revenue

Authorities to hear her in the pending matter as per directions of Hon'ble High Court.

4. After hearing the appellant in detail, this Court is of the view that as the land stands acquired, the provision of DLR Act would not apply on it and this Court refrains from passing any order on merits of the case. This appeal is disposed of accordingly with liberty to appellant to represent herself before the Competent Authority under Land Acquisition Act in terms of the Hon'ble High Court order dated September 13, 2010.
5. Announced in open Court. File be consigned to record room after completion.



(D.M. SPOLIA)
Financial Commissioner
Delhi