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

% ***Date of Decision: 29<sup>th</sup> May, 2025***

+ CM(M) 1019/2025 & CM APPL. 33525-33526/2025

DELHI DEVELOPMENT AUTHORITY .....Petitioner

Through: Ms. Mrinalini Sen with Ms. Nistha Tyagi, Ms. Aditi Saxena and Ms. Lucy Chhange, Advocates.

versus

LATE SHRI BHIKHA RAM SINCE DECEASED THROUGH LRS & ANR. ....Respondents

Through: Ms. Inder Singh, Advocate for respondent No.1.  
Mr. Sanjay Kumar Pathak, Standing Counsel for respondent No.2 with Mrs. K. Kaomudi Kiran, Mr. Sunil Kumar Jha, Mr. M.S. Akhtar and Mr. Divakar Kapil, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The situation is little unusual here.
2. The matter pertains to acquisition of land in terms of notification issued under Section 4 of Land Acquisition Act, 1894.
3. The land in question is situated in Revenue Estate of Village Ghazipur.
4. A Reference Petition was filed by respondent No.1 herein which was registered as LAC No.122/1992 and such Reference was answered on 18.05.1992.
5. Respondent No.1 challenged the abovesaid Award by filing an appeal before this Court.



6. Such appeal was, initially, registered as RFA No.497/1992 but was later on assigned a new number i.e. LA.APP.495/2023.
7. Union of India (respondent No.2 herein) also challenged the abovesaid Award.
8. Admittedly, DDA was never a party in the abovesaid Reference Petition.
9. However, during the course of pendency of the abovesaid appeal, DDA was impleaded in the appeal and when the appeal was taken up by this Court on 18.12.2024, with the consent of the appellant, the matter was remanded back to the learned Trial Court with direction to DDA to lead its evidence. It was also supplemented therein that since the matter was already 32 years old, the evidence be led in a time-bound manner.
10. Ms. Mrinalini Sen, learned Standing Counsel for DDA submits that since DDA was never ever a party in the Reference Petition, they had no occasion, whatsoever, to have submitted any written statement and in order to overcome the abovesaid legal obstacle, before submitting the list of witnesses and before examining their such witnesses, they made a humble request to the learned Trial Court to take on record their written statement. But the learned Trial Court, keeping in mind the specific observations given by this Court, has declined to take such written statement on record.
11. Obviously, the evidence can be led in consonance with the pleadings only and if there is no pleading, it becomes, virtually, impossible for any Court to record evidence of any such witness, unless the witness is called as a Court witness.
12. Learned counsel for the respondents appears on advance notice and they also, after understanding the legal obstacle involved in the present



matter, have no objection if the written statement which has already been placed on record by DDA, is permitted to be taken on record.

13. It is, however, pertinent to mention that when the matter was remanded by this Court on 18.12.2024, the learned Trial Court was also directed to give a *de novo* hearing to adjudicate the matter afresh.

14. Since, there is a direction of *de novo* hearing and adjudication afresh, there is no embargo in taking such written statement on record.

15. Keeping in mind the above, the present petition is disposed of with direction that written statement filed by DDA, which was submitted before the learned Reference Court on 02.05.2025, shall be taken on record.

16. Respondent No.1 herein would also be permitted to file replication, if any, with further request to the learned Trial Court, if required, to frame additional issues and to permit the respondent No.1 to lead additional evidence as well if required.

17. In view of the abovesaid specific order, DDA would also be at liberty to examine its witnesses before the learned Reference Court. However, since the matter is very old, the learned Trial Court is requested to make best endeavour to expedite the disposal, on top priority basis.

18. The petition stands disposed of in aforesaid terms.

19. Pending applications also stand disposed of in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**MAY 29, 2025**

**st/js**