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

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Judgment delivered on: 05.05.2016

+ **W.P.(C) 4539/2015 & CM No.8238/2015 (stay)**

AKHIL BHARTIYA ANUVRAT NYAS

..... Petitioner

versus

UNION OF INDIA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr N.S. Vasisht with Mr Vishal Singh and Ms Jyoti Kataria, Advocates.

For the Respondents : Mr Anuj Aggarwal with Mr Shubhanshu Gupta, Advocates for GNCTD.
Mr Siddharth Panda, Advocate for LAC.
Mr Sanjeev Sabharwal, Advocate for DDA.

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

1. In the present petition, the petitioner seeks the quashing of the acquisition which was initiated by the Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) dated 25.11.1980, which was followed by a declaration under Section 6 dated 07.06.1985. It is stated by the petitioner that till date no award under Section 11 of the said Act has been made in respect of the petitioner's land which is comprised in Khasra No.62(0-4), 63(1-11), 65/2(3-7), 64(4-16), 65/1(0-16) and 67(1-14) measuring 12 Bighas 8 Biswas in all in

village Chattarpur, Tehsil Mehrauli, Delhi.

2. It is also the case of the petitioner that by virtue of Section 11A of the said Act, the Land Acquisition Collector was bound to make an award within two years from the date of publication of the declaration under Section 6 of the said Act, failing which, the acquisition would lapse. As stated above, the learned counsel for the petitioner submitted that in the case of the petitioner's land although there was a declaration published under Section 6 of the said Act, no award in respect of the petitioner's land has been made till date. Consequently, the acquisition has lapsed in view of the provisions of Section 11A of the said Act.

3. Counter affidavits have been filed on behalf of the DDA as well as the respondent No.5 (Land Acquisition Collector) (South). Paragraph 5 of the counter affidavit of the respondent No.5, which is relevant for our purposes, reads as under:

“5. That as per the record, Khasra No.62(0-4), 63(1-11), 65/2(3-7), 64(4-16), 65/1(0-16), 67(1-14) total admeasuring 12 bighas and 08 biswas situated at the revenue estate of village Chattarpur, New Delhi forming part of 13 villages were notified under section 4 of Land Acquisition Act on 25.11.1980 followed by declaration under section 6 of Land Acquisition Act on 07.06.1985 for Planned Development of Delhi. In pursuance of said notification, notices under section 9 & 10 as provided under the Act, were issued to the interested persons,

inviting the claims from all the interested persons and claims were also filed by the interested persons. The then Land Acquisition Collector passed Award No.15/87-88 dated 05.06.1987 after considering the claims of the claimants. However, the above mentioned khasra numbers were not included in this award.” (underlining added)

4. In view of the clear admission on the part of the Land Acquisition Collector that the petitioner’s land measuring 12 Bighas 8 Biswas does not find mention in the Award No.15/87-88 dated 05.06.1987, it is clear that the acquisition in respect of the petitioner’s land stands lapsed in view of the provisions of Section 11A of the said Act. It is declared as such. It goes without saying that the respondents shall not interfere with the physical possession of the said land which belongs to the petitioner and is free from acquisition.

5. The writ petition is allowed.

BADAR DURREZ AHMED, J

MAY 05, 2016
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SANJEEV SACHDEVA, J