

THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 20.12.2016

+ W.P.(C) 9101/2014 & CM 5014/2015

BHIM SINGH ... Petitioner

versus

GOVT OF NCT OF DELHI & ANOTHER ... Respondents

AND

+ W.P.(C) 58/2015 & CM 5008/2015

SUNIL KUMAR ... Petitioner

versus

GOVT. OF NCT OF DELHI & ANR Respondents

+ W.P.(C) 68/2015 & CM 5018/2015

BHAGIRATH Petitioner

versus

GOVT. OF NCT OF DELHI & ANR ... Respondents

+ W.P.(C) 240/2015 & CM 11270/2015

SATISH BHARDWAJ & ANR ... Petitioners

versus

GOVT. OF NCT OF DELHI & ANR ... Respondents

+ W.P.(C) 241/2015 & CM 11286/2015

HANUMANT SINGH ... Petitioner

versus

GOVT. OF NCT OF DELHI & ANR ... Respondents

- + W.P.(C) 242/2015 & CM 11271/2015
SURAT SINGH Petitioner
- versus
- GOVERNMENT OF NCT OF DELHI & ANR Respondents
- + W.P.(C) 243/2015 & CM 12531/2015
BHUPINDER & ORS Petitioners
- versus
- GOVERNMENT OF NCT OF DELHI & ANR ... Respondents
- + W.P.(C) 244/2015 & CM 11274/2015
SULTAN SINGH ... Petitioner
- versus
- GOVT. OF NCT OF DELHI & ANR ... Respondents
- + W.P.(C) 245/2015 & CM 11272/2015
SANJEEV KUMAR ... Petitioner
- versus
- GOVT. OF NCT OF DELHI & ANR ... Respondents
- + W.P.(C) 249/2015 & CM 11273/2015
RAJESH ... Petitioner
- versus
- GOVT. OF NCT OF DELHI & ANR ... Respondents
- + W.P.(C) 256/2015 & CM 11265/2015
MANOJ DABAS & ANR ... Petitioners
- versus
- GOVT. OF NCT OF DELHI & ANR ... Respondents

- + W.P.(C) 257/2015 & CM 11275/2015
AJIT SINGH ...Petitioner
versus
GOVT. OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 258/2015 & CM 11285/2015
RAJENDER SINGH ...Petitioner
versus
GOVT. OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 261/2015 & CM 11264/2015
SHAKTI SINGH ...Petitioner
versus
GOVT. OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 262/2015 & CM 13278/2015
HARNAND BHARDWAJ ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 279/2015 & CM 11269/2015
AZAD SINGH ...Petitioner
versus
GOVT. OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 291/2015 & CM 11287/2015
BIJENDER ...Petitioner
versus
GOVT. OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 295/2015 & CM 11284/2015

	OM PARKASH	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 296/2015 & CM 11268/2015 RAJ PATI	... Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 334/2015 & CM 11280/2015 JAI SINGH	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 336/2015 DHARAM VIR	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 369/2015 & CM 11290/2015 RAM CHANDER	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 378/2015 & CM 12532/2015 KULDEEP SINGH & ANR	...Petitioners
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 416/2015 & CM 696/2015 SATVIR SINGH	...Petitioner
	versus	

	GOVT. OF NCT OF DELHI & ANR.	...Respondents
+	W.P.(C) 417/2015 & CM 697/2015 NAFE SINGH	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 421/2015 & CM 702/2015 RAJBIR & 2 ORS	...Petitioners
	versus	
	GOVT. OF NCT OF DLEHI & ANR	...Respondents
+	W.P.(C) 424/2015 & CM 707/2015 NARAIN SINGH	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 427/2015 & CM 712/2015 JOGINDER SINGH	...Petitioner
	versus	
	GOVT OF NCT OF DLEHI & ANR	...Respondents
+	W.P.(C) 428/2015 & CM 713/2015 AJIT SINGH	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 429/2015 & CM 12533/2015 BAL RAJ BHARDWAJ & ORS	...Petitioners
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents

+	W.P.(C) 432/2015 & CM 716/2015 KULDEEP	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 437/2015 & CM 723/2015 SATBIR	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 452/2015 & CM 753/2015 DHARAM VIR	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 458/2015 & CM 759/2015 JAI SINGH	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 462/2015 & CM 766/2015 KRISHAN KUMAR	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 463/2015 & CM 767/2015 SHER SINGH	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 520/2015 & CM 11267/2015 RAVINDER KUMAR	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents

+	W.P.(C) 553/2015 & CM 11266/2015 VIKAS DABAS & ANR	...Petitioners
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1128/2015 & CM 2009/2015 BIMLA DEVI	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1136/2015 & CM 2019/2015 JAGDISH CHANDER	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1137/2015 & CM 2020/2015 BABITA DABAS	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1139/2015 & CM 2024/2015 INDER JEET SINGH	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1140/2015 & CM 2025/2015 RANDHIR SINGH	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1142/2015 & CM 2028/2015 BALBIR SINGH	...Petitioner
	Versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents

- + W.P.(C) 1143/2015 & CM 2029/2015
ANAND SINGH ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 1144/2015 & CM 2030/2015
SATISH ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 1145/2015 & CM 2031/2015
ASHOK KUMAR ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 1146/2015 & CM 2032/2015
DHARAMVIR SINGH ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 1147/2015 & CM 2033/2015
VED PRAKASH ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 1149/2015 & CM 2036/2015
RAVINDER ...Petitioner
versus
GOVT. OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 1150/2015 & CM 2037/2015
JAI PARKASH ...Petitioner
versus
GOVT. OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 1153/2015 & CM 2039/2015
KARTAR SINGH ...Petitioner

	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1154/2015 & CM 2040/2015 AJIT SINGH	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1155/2015 & CM 2041/2015 DINESH DABAS	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1156/2015 & CM 2042/2015 AKSHAY	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1160/2015 & CM 2047/2015 AJAY	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1161/2015 & CM 2048/2015 ARUN KUMAR	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1162/2015 & CM 2049/2015 SURENDER SINGH	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 1170/2015 & CM 2060/2015 RAM CHANDER	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents

- + W.P.(C) 1194/2015 & CM 2089/2015
ARVIND ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 1293/2016 & CM 5740/2016
KRISHAN KUMAR ...Petitioner
versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1295/2016 & CM 5742/2016
SATPAL ...Petitioner
versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1306/2016 & CM 5752/2016
RAGHUVIR @ RAGHUBIR SINGH ...Petitioner
versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1374/2016 & CM 5983/2016
RAJ MUKESH ...Petitioner
versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1614/2016 & CM 6998/2016
SASHI KUMAR & ORS ...Petitioner
versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1823/2016 & CM 7815/2016
SURENDER DAIMA @ DEEMA ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ORS ...Respondents

- + W.P.(C) 1852/2016 & CM 7939/2016
SUSHIL @ SUSHEEL KUMAR DAIMA ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1853/2016 & CM 7940/2016
YASHVIR SINGH & ANR ...Petitioners
versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1881/2016 & CM 8030/2016
UDAY SINGH ...Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1883/2016
RAM CHANDER ...Petitioner
versus
GOVT. OF NCT OF DELHI & ANR ...Respondents
- + W.P.(C) 1889/2016 & CM 8080/2016
JAI KUMAR & ORS ...Petitioners
versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1892/2016 & CM 8083/2016
RANBIR SINGH ...Petitioner
versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1893/2016 & CM 8084/2016
JAI PAL SINGH ...Petitioner
versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 1894/2016 & CM 8085/2016
KARTAR SINGH ...Petitioner

	versus	
	GOVERNMENT OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 1898/2016 & CM 8093/2016 ARUN KUMAR & ANR	...Petitioners
	versus	
	GOVERNMENT OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 1905/2016 & CM 8147/2016 DAISY GOEL	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 1906/2016 & CM 8148/2016 AMIT DABAS	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 2075/2016 & CM 8917/2016 BHARAT	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 2079/2016 & CM 8925/2016 AMIT @ AMIT DABAS & ORS	...Petitioners
	versus	
	GOVT. OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 2080/2016 & CM 8926/2016 RAKESH KUMAR	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 2083/2016 & CM 8931/2016 KEWAL KRISHAN	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ORS	...Respondents

- + W.P.(C) 2084/2016 & CM 8932/2016
JAI BHAGWAN ...Petitioner
- versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 2792/2015 & CM 4994/2015
DINESH KUMAR & ANR ...Petitioners
- versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 2812/2015 & CM 5044/2015
AJIT SINGH ...Petitioner
- versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 2863/2015 & CM 5140/2015
RAJ SINGH ...Petitioner
- versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 2879/2015 & CM 5157/2015
SATPAL & ORS ...Petitioners
- versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 2966/2015 & CM 5309/2015
JOGINDER ...Petitioner
- versus
GOVT. OF NCT OF DELHI & ORS ...Respondents
- + W.P.(C) 3008/2015 & CM 5392/2015

	PRADEEP KUMAR	...Petitioner
	versus	
	GOVT. OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 5532/2016 & CM 23103/2016 PRAVEEN KUMAR	...Petitioner
	versus	
	GOVT OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 5535/2016 & CM 23106/2016 VIJAY KUMAR	...Petitioner
	versus	
	GOVT OF NCT OF DELHI & ORS	...Respondents
+	W.P.(C) 7295/2015 & CM 13403/2015 TARIF SINGH DABAS	...Petitioner
	versus	
	GOVT. OF N.C.T. OF DELHI AND ORS	...Respondents
+	W.P.(C) 9114/2014 & CM 5015/2015 RAM PHAL	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 9159/2014 & CM 5010/2015 VED PARKASH	...Petitioner
	versus	
	GOVERNMENT OF NCT OF DELHI & ANR	...Respondents
+	W.P.(C) 9181/2014 & CM 5013/2015 KULDEEP SINGH	...Petitioner

versus

GOVT. OF NCT OF DELHI & ANR

...Respondents

+ W.P.(C) 9184/2014 & CM 5021/2015
MAHENDER SINGH

...Petitioner

versus

GOVT. OF NCT OF DELHI & ANR

...Respondents

+ W.P.(C) 9185/2014 & CM 5020/2015
CHANDER BHAN

...Petitioner

versus

GOVERNMENT OF NCT OF DELHI & ANR

...Respondents

+ W.P.(C) 9186/2014 & CM 5007/2015
YESHPAL BHARDWAJ & ANR

...Petitioners

versus

GOVT. OF NCT OF DELHI & ANR

...Respondents

+ W.P.(C) 9187/2014 & CM 5019/2015
RAJPAL SINGH

...Petitioner

versus

GOVERNMENT OF NCT OF DELHI & ANR

...Respondents

+ W.P.(C) 9188/2014 & CM 5012/2015
SATISH CHANDER

...Petitioner

versus

GOVT. OF NCT OF DELHI & ANR

...Respondents

+ W.P.(C) 9206/2014 & CM 5009/2015
JOGINDER & 2 ORS

...Petitioners

versus

GOVERNMENT OF NCT OF DELHI & ANR ...Respondents

Advocates who appeared in this case:-

For the Petitioners	: Mr Sanjay Parikh with Mr Aagney Sail, Ms Mamta Saxena and Ms Ninni Susan Thomas
For the Respondent L&B/LAC	: Mr Yeeshu Jain, Mr Siddharth Panda and Ms Jyoti Tyagi
For the Respondent L&B/LAC	: Mr R.K. Sharma, Mr Akhil Mittal, Mr Sachin Nawani, Ms Astha Tyagi, Mr Sudershan Joon
For the Respondent DSIIDC	: Ms Renuka Arora with Mr Kunal Kohli
For the Respondent DDA	: Mr Ajay Verma with Mr Sanjeev Sabharwal and Mr Hem Kumar

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE JAYANT NATH

JUDGMENT

BADAR DURREZ AHMED, J

1. Bhim Singh v. Govt of NCT of Delhi & Ors (WPC 9101/2014) is the lead matter in this batch of petitions. The facts are virtually identical except for the description of the petitioners and the lands and some dates. They all pertain to the same acquisition proceeding under the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act').

2. In all the petitions the benefit of section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act') has

been sought. The petitioners seek a declaration that the land acquisition proceedings in respect of their lands be deemed to have lapsed in view of the provisions of section 24(2) of the 2013 Act. This is sought on the assertion that though they have received compensation, they continue to be in actual physical possession of the lands in question and the award was also made more than five (5) years prior to the commencement of the 2013 Act (i.e., 01.01.2014). On the other hand the respondents contend that although the award was made more than 5 years prior to the commencement of the 2013 Act, the petitioners cannot get the benefit of section 24(2) of the 2013 Act because the actual physical possession of the lands in question had been taken by the Land Acquisition Collector and compensation had also been admittedly paid to and received by the petitioners/landowners. It was further contended on behalf of the respondents that the petitioners had also, while receiving additional payment under a Special Rehabilitation Package, given up all their rights in respect of the said acquired lands and therefore they could not seek any benefit under section 24(2) of the 2013 Act.

3. The Notification under section 4 of the 1894 Act indicating the government's intention to acquire, *inter alia*, the petitioners' lands in

village Kanjhawala for the development of 'New Industrial Area' was issued on 25.08.2005. This was followed by the declaration under section 6 of the 1894 Act on 10.07.2006 and by the Award No.6/2008-09 dated 20.06.2008. In the award it was mentioned that physical possession of the land under acquisition would be taken after the announcement of the award. As per the respondents, physical possession of the subject lands was taken on 11.07.2008. And, insofar as WPC 9101/2014 (Bhim Singh [supra]) is concerned, compensation of Rs 72,37,027/- was paid vide cheque number 341685 dated 26.11.2009. Similar was the case in respect of the petitioners in all the other petitions in this batch. On the part of the petitioners, it was, however contended that physical possession was still with them and only paper possession was taken by the respondents.

4. It is also necessary for us to point out that prior to receiving compensation, the petitioners had to make an application supported by an affidavit. By way of sample the application and affidavit submitted by Bhim Singh (i.e., the petitioner in the lead case) is as under:-

**“BEFORE THE LAND ACQUISITION COLLECTOR (NW)
KANJHAWALA DELHI-81**

Award No.6/2008-09/DC-NW

Date of Award _____

Village Kanjhawala

In Re: Item No.186

Subject: - Application for payment of the compensation of 100% share of land bearing Khasra No. 13/2 min (0-14), 8(4-16), 9 min (3-04), 13 (4-16)

Sir,

Most respectfully submitted as under:-

1. That the applicant/s is / are the recorded Bhumidhar / owner / possession holder of the land as above.
2. That the land as above has since been acquired and the payment of compensation is pending before this honorable court.
3. It is further stated that there is no dispute exists or pending regarding the land so acquired in any court of law and therefore applicant/s is / are fully and completely entitled for the awarded compensation of the land in question.
4. That possession of the land has already been taken from the applicant/s by the concerned authorities.
5. That except the applicant/s no other person is claimant to the compensation. Hence the applicant/s is / are only entitled to receive the compensation.
6. That the applicant/s shall receive the compensation under protest and subject to the filing of reference u/s 18 of the Land Acquisition Act, 1894.

It is therefore respectfully prayed that the payment of compensation of the applicant/s land may kindly be released in the interest of justice at the earliest.

Applicant/s Signature
Sd/-
Sh. Bhim Singh
S/o Uday Singh
R/o VPO Kanjhawala
Delhi-81”

“BEFORE THE LAND ACQUISITION COLLECTOR (NW)
DELHI AT KANJHAWALA, DELHI-81

AWARD NO.6/2008-09/DC-NW

Village-Kanjhawala

AFFIDAVIT

I, deponent, Bhim Singh S/o Sh. Uday Singh R/o VPO Kanjhawala, Delhi-81, do hereby solemnly affirm and declare as under:-

1. That I am the sole owner / Bhumidhar of agriculture land bearing Khasra No.13/2 min (0-14), 8(4-16), 9 min (3-04), 13 (4-16) situated in the revenue estate of village Kanjhawala, Delhi which has been acquired by the above award and possession has been taken / being taken over by the Govt.
2. That I have absolute right, interest, claim on the above piece of land.
3. That no other person than the deponent has any right, title or interest whatsoever in the acquired land or its compensation payable to the owner Bhumidhar as above.
4. That the above said land is free from all encumbrances, such as sale, gift, mortgage, court litigation, dispute, charge, lien, notices etc and if it is proved otherwise then the deponent shall be personally liable and responsible for all the losses and damages.
5. That no *tacavvi* / loan is due from the deponent on the land in question.
6. That compensation is being taken by me under protest subject to reference under section 18 of the Land Acquisition Act, 1894.

Sd/-
Deponent

Verification:-

Verified at Delhi on the 30/1/09 that the contents of above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed there from.

Deponent"

From the application and the affidavit it is evident that the said Bhim Singh acknowledged the fact possession had been taken by the concerned authority. However, the compensation was being received under protest and subject to the filing of a reference under section 18 of the 1894 Act.

5. In the meanwhile, on 01.10.2008 the Government of NCT of Delhi had issued order no. F.9(20)/80/L&B/LA/Vol.II/8226-44 in respect of a Special Rehabilitation Package for people affected by land acquisition in respect of the cases in which the land acquisition awards had not been announced till December 18, 2007. Since the award in the present case was announced in 2008, the petitioners became eligible for the Special Rehabilitation Package. But that package was subject to certain terms as would be clear from the said order dated 01.10.2008 which is set out below:

**“GOVERNMENT OF NCT OF DELHI
LAND & BUILDING DEPARTMENT
B-BLOCK: VIKAS BHAWAN: NEW DELHI.**

No.F.9(20)/80/L&B/LA/Vol.II/8226-44

Dated: 01-10-2008

ORDER

The government of the NCT of Delhi have taken into consideration the general increase in prices of land and the inequity of giving compensation based on the procedure followed

under the Land Acquisition Act, 1894. Therefore, the government have decided to give a Special Rehabilitation Package for the people affected by land acquisition in respect of the cases in which the land acquisition awards have not been announced till December 18, 2007, details of which are:-

1. The amount of compensation effective from December 18, 2007 would be discounted by Rupees 11.80 lakhs per acre per year for those lands which were notified under section 4 for acquisition in 2006 and 2005.
2. Though this Special Rehabilitation Package would involved additional funds for making payment of compensation to the farmers, the amount would be recovered while determining the cost of land allotted to other government agencies.
3. The other elements of the award namely solatium and interest would be allowed as per rules.
4. The Special Rehabilitation Package would not be treated as precedent for the future.
5. The payment of compensation should be done in a time bound manner.
6. The package would apply to all agricultural lands.
7. The Special Rehabilitation Package should be accepted by individual farmers and made applicable in each case only, if they do not mount a challenge to the award already announced by the LAC. If they have challenged the award they must withdraw the petition to avail of the benefit of the Special Rehabilitation Package.

Sd/-
(G.S. MEENA)
Addl. Secretary (L&B)”

6. The petitioners in this batch of petitions accepted the Special Rehabilitation Package and received additional payment thereunder. In

the case of Bhim Singh, he received an additional amount of Rs 63,15,114/- vide cheque no. 295355 dated 22.11.2011. The application and affidavit submitted by the said Bhim Singh for availing and receiving payment under the said package are set out hereinbelow by way of sample:-

“BEFORE THE LAND ACQUISITION COLLECTION
(NORTH-WEST) KANJHAWALA, DELHI-81.

Item Number: 186
Award No.6/2008-09/DC(NW)
Village: KANJHAWALA

Sub: Application for payment of Special Rehabilitation Package.

Sir,

Most respectfully submitted as under:-

1. That my land bearing Khasra No.13/2 min (0-14), 8(4-16), 9 min (3-14), 13 (4-16), Measuring total of 13 Bigha 10 Biswa, having 100% share in the revenue estate of village KANJHAWALA Delhi was notified u/s 4 of L.A. Act, vide notification No.F.7(24)/2004/L&B/LA/6420 dated 25/08/2005 and u/s 6 of L.A. vide declaration dated 10/07/2006.
2. That my above said land was acquired by the GNCTD vide Award No.6/2008-09/DC(NW) and market value was fixed at Rs.15,70,000/- per acre along with other statutory benefits under the provisions of Land Acquisition Act, 1894.
3. That whereas on representations made by the farmers the Government has announced a Special Rehabilitation Package dated 01/10/2008 which, I hereby accept. I have fully understood the contents of the Special Rehabilitation Package offered by the Government and shall abide by the same.

4. That I have already received the compensation awarded by the LAC vide the aforesaid award against Item No.186.
5. That now I am fully satisfied of my own free will and without any force, pressure, misunderstanding and inducement with the compensation including Special Rehabilitation Package being given to me by the Government in lieu of compulsory acquisition of my land.
6. That requisite undertaking in the prescribed Performa is enclosed.

It is therefore prayed that the payment of Special Rehabilitation Package as well as the payment of interest and other dues in accordance with NCT Delhi order dated 01-10-2008 may kindly paid to me at the earliest.

Thanking you in anticipation.

Applicant's Signature

NAME: BHIM SINGH
FATHER'S NAME: UDAY SINGH
R/O VPO KANJHAWALA DELHI
L.H.T."

Through Advocate

**“UNDERTAKING FOR PAYMENT OF SPECIAL
REHABILITATION PACKAGE**

I, BHIM SINGH, S/o, D/o, W/o Sh. Uday Singh R/o VPO Kanjhawala, Delhi – 81, do hereby undertake as under:-

1. That my land bearing Khasra No.13/2 min (0-14), 8(4-16), 9 min (3-14), 13(4-16) Measuring total of 13 Bigha 10 Biswa, having 100% share in the revenue estate of village Kanjhawala, Delhi was notified u/s 4 of L.A. Act, vide notification No.F 7(24)/2004/L&B/LA/8420 dated 25/08/2005 and u/s 6 of L.A. Act, vide declaration dated 10/07/2006.
2. That my above said land was acquired by the GNCTD vide Award No.1/2008-09/DC(NW) and market value was fixed at

Rs.15,70,000/- per acre along with other statutory benefits under the provisions of Land Acquisition Act, 1894.

3. That whereas on representations made by the farmers the Government has announced a Special Rehabilitation Package dated 01/10/2008 which, I hereby accept. I have fully understood the contents of the Special Rehabilitation Package offered by the Government and shall abide by the same.
4. That I have already received the compensation awarded by the LAC vide the aforesaid award against Item No. 186.
5. That now I am fully satisfied of my own free will and without any force, pressure, misunderstanding and inducement with the compensation including Special Rehabilitation Package being given to me by the Government in lieu of compulsory acquisition of my land.
6. That before the offer of Special Rehabilitation Package I have filed reference petition under section 18 of LA Act, after receiving the compensation under protest, which is diarised at Sl. No.2685 dated 22-2-09 with the LAC (NW) office.
7. That as I have agreed to receive the compensation on my own free will and consent along with the amount of Special Rehabilitation Package and after being fully satisfied with the total amount of compensation offered for my land my reference u/s 18 of the Act shall not be sent to reference court for adjudication and the same shall be treated as withdrawn.
8. That I undertake not to agitate and raise any claim in respect of compensation and other related benefits in any court of law or authority / authorities at any point of time. This shall be acceptable to my successors, legal representatives, legal heirs and assigns as well. In the eventuality of my having preferred any appeal before any court of law I shall withdraw the same and submit proof of it before claiming Special Rehabilitation Package.
9. That I further undertake not to challenge the terms and condition of special rehabilitation package before any court of

law or authority or authorities at any point of time. This shall also be acceptable to my successors, legal representatives, legal heirs and assigns as well.

10. That on my above undertaking and acceptance of compensation including special rehabilitation package, all my rights qua the acquired land shall cease. Hence no cause of action shall arise for agitating the matter in any court of law, or authority or authorities. I may therefore be disbursed the Rehabilitation Package towards full and final settlement in respect of my acquired land.

Thumb impression
DEPONENT
LHTI

Verification:-

Verified at Delhi on 6th day of September, 2011 that the contents of my above undertaking are true and correct and I have signed and verified the same after fully understanding the contents and implications of Special Rehabilitation Package, I have no concealed any material fact there from.

Thumb impression
DEPONENT
LHTI"

7. In paragraph 10 of the undertaking it has been clearly recorded that on the acceptance of compensation including the Special Rehabilitation Package, all the rights of the said Bhim Singh (which is also the case in all the other petitions) "*qua the acquired land shall cease*" and "*no cause of action shall arise for agitating the matter in any court of law or authority or authorities*". This undertaking was made in 2011, much prior to the commencement of the 2013 Act which, as mentioned earlier, happened on 01.01.2014.

8. The plea of the petitioners is founded on their claim that they are still in actual physical possession of the subject lands. The respondents contend otherwise. The respondents' contention is based on two planks. The first being the factum of possession proceedings of 11.07.2008 as per annexure R-1 to the counter affidavit of Respondent no.2 (Land & Building Department, Govt of NCT of Delhi) in the lead case (Bhim Singh – WPC 9101/2014). The second being that the petitioners, in their applications seeking compensation, have admitted that “possession” had been taken by the concerned authorities. De hors this, the respondents also contend that in this batch of matters the petitioners have willingly opted for the Special Rehabilitation Package and, while doing so, have given up all their rights in the acquired lands. This happened in 2011, much prior to the 2013 Act. Therefore, on 01.01.2014, the petitioners had no right whatsoever in respect of the subject lands.

9. Insofar as the arguments of the respondents with regard to possession are concerned, the learned counsel for the petitioners submitted that there was a clear distinction between mere “possession” and actual “physical possession”. The learned counsel sought to place

reliance on several decisions of the Supreme Court to contend that “physical possession” of the subject lands had not been taken over. The decisions were: (1) **State of M.P. v. Narmada Bachao Andolan:** (2011) 7 SCC 639; (2) **NTPC v. Mahesh Dutta & Ors:** (2009) 8 SCC 339; (3) **Banda Development Authority v. Motilal Agarwal & others:** (2011) 5 SCC 394; (4) **Prahlad Singh & Ors v. Union of India & Ors:** (2011) 5 SCC 385; (5) **Raghubir Singh Sherawat v. State of Haryana:** (2012) 1 SCC 792; (6) **Magnum Promoters v. Union of India:** (2015) 3 SCC 327; (7) **Velaxan Kumar v. Union of India:** (2015) 4 SCC 325. But, in our view, it would not be necessary for us to examine the issue as to whether the petitioners were or were not in actual physical possession. In fact, we need not even examine the two planks of the respondents’ counter argument qua possession.

10. The key point in this batch of matters is whether the petitioners had any right left in subject lands? As noted above, in the undertakings given by the petitioners in 2011, while opting for the Special Rehabilitation Package and receiving additional payments thereunder, they had clearly divested themselves of all their rights in respect of the subject acquired lands. Thus, at the time of commencement of the 2013 Act on

01.01.2014, the petitioners had no right, title or interest left in the subject lands. Therefore, they cannot claim any benefit under section 24(2) of the 2013 Act. On this ground alone, the writ petitions are liable to be dismissed.

11. Consequently, we dismiss the writ petitions but, with no order as to costs. Interim orders, if any, stand vacated.

BADAR DURREZ AHMED, J

JAYANT NATH, J

DECEMBER 20, 2016

