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

+ W.P.(C) 41/2015 & CM No.69/2015

PUSHPA JAIN

..... Petitioner

Through: Mr. Lokesh Kumar Sharma for
Mr. Sunil, Adv.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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10.07.2017

1. The petitioner claims a direction that acquisition of her husband's lands i.e. 1 bigha 5 biswa (approximately 1240 sq. yds.) out of 5 bigha 14 biswa forming part of Khasra No.68, Khatauni No.10/24 situated at Village Bhalswa, Jehangir Puri, Delhi is deemed to have lapsed.

2. In this case, the petitioner's husband claims to have acquired ownership of the suit property through a registered sale deed dated 25.05.1980. On 04.03.2003, the respondents issued a second notification proposing to acquire the lands; a declaration followed soon thereafter on 04.02.2004. The award (being Award No.24/2005-2006) in this case was published on 03.02.2006. The petitioner contends that even though the

award was made, the compensation amount was not tendered and that she continues to be in possession. She thus states that Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 would squarely apply to the facts of this case.

3. The respondents – LAC and the Government of NCT of Delhi state *inter alia* as follows in respect to the material contentions in these proceedings:-

“5. That it is submitted that the lands of village Bhalswa Jehangir Puri were notified vide Notification under section 4 of the Land Acquisition Act, 1894 dated 4.3.2003 which was followed by the Notification under section 6 of the Act dated 4.2.2004. The Award was also passed vide Award No.24/2005-2006 dated 3.2.2006 however neither the compensation was paid nor the possession could be taken of the khasra number 68 min (1-05).”

4. It is evident from the above narration that the petitioner’s argument that neither was possession of the suit lands taken over nor was compensation tendered to her, within the period prescribed, was admitted. Consequently, the relief claimed has to be granted. A declaration is issued that the acquisition in respect of the suit lands is deemed to have lapsed.

The writ petition is allowed in view of the above orders.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 10, 2017/kks