

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

Date of Decision: September 19, 2017

+ **W.P.(C) 206/2016**

LAL CHAND

..... Petitioner

Through: Mr. Arun Kumar Kaushik,
Advocate

Versus

UNION OF INDIA & ANR.

..... Respondents

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

Mr. Dhanesh Relhan & Ms. Gauri, Advocates
for respondent No.2-DDA

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

S. RAVINDRA BHAT, J. (OPEN COURT)

1. The petitioner claims a direction that the lands in Khasra No.514/1 min (02-00), situated in the revenue estate of village Kilokari, New Delhi be declared free from acquisition in terms of Section 24(2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* (hereafter referred to as 'the Act of 2013').

2. In the present case, notification Section 4 of the then prevalent Land Acquisition Act (of 1894) was of 23.06.1989. Later, a declaration under Section 6 the said old Act was issued on 22.06.1990. The acquisition proceedings were complete when the Award was announced

on 19th June, 1992. The petitioner on the strength of entries in the *khasra girdawari*, contends that neither was possession taken from him nor was compensation given to him, even though he is entitled to it.

3. Counter affidavit of Government of NCT of Delhi , refutes the claim made in this petition and states as follows:-

“That the present writ petition is liable to be dismissed as the petitioner is not the recorded owner of the subject land bearing Khasra number 514/1 (2-00) nor he has made any averment regarding his entitlement to file the present writ petition nor any annexure has been filed in this behalf. The writ petition is further liable to be dismissed as the actual vacant physical possession of the entire land measuring (11-09) i.e (1-05) Custodian and (10-04) Shamlaat Deh, falling in the said Khasra number 514/1 was duly taken on 27.12.1990 by preparing possession proceedings on the spot and by handing over the same to the DDA on the spot, thus the above-said land vests with the appropriate Government absolutely without any encumbrance under section 16 of Land Acquisition Act, 1894. The compensation for the land i.e (1-05) was duly sent to the Reference Court under section 30-31 of Land Acquisition Act, 1894 on 21.3.1995 and 6.8.2009 respectively. The compensation for the remaining land i.e (10-04) was also paid to different eleven claimants in accordance with their respective different shares. It is reiterated that the petitioner is not the recorded owner of the subject land nor the petitioner has filed any document in support of his claim to become entitled to receive the compensation.”

4. In the present case, the fact remains that the petitioner claims to be in possession of the lands which are essentially public. Even the *khasra*

girdawari extracts relied upon by him clearly record that the lands are owned by one- *Shamlat Deh*. In these circumstances, the relief claimed by petitioner cannot be granted.

5. The writ petition is dismissed.

S. RAVINDRA BHAT
(JUDGE)

SUNIL GAUR
(JUDGE)

SEPTEMBER 19, 2017

r

