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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 176/2015 & C.M.287/2015
SAVITRI SHARMA Petitioner
Through: Mr. M.P. Bhargava, Advocate
versus

UNION OF INDIA & ORS.Respondents
Through: Ms. Suparna Srivastava, Mr.
Alinda Bhowal and Mr. Tushar Mathur,
Advocates for respondent No.1
Mr. Pawan Mathur, Standing Counsel for
respondent-DDA
Mr. Yeeshu Jain, Standing Counsel with Ms.
Jyoti Singh, Advocate for respondent-
L&B/LAC

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE R.K. GAUBA

ORDER

% **28.08.2017**

1. The petitioner claims the relief of declaration under 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'). The undisputed facts are that the notification acquiring large tracts of land including the petitioner's lands was issued on 25th November, 1980 followed by a declaration under Section 6 of *the Land Acquisition Act, 1894* (hereinafter referred to as 'the Old Act') and the Award was made subsequently. In the meanwhile, the acquisition by the Award was challenged in writ proceedings on various grounds. The writ petition was disposed of on the grounds, broadly, of defective hearing and that Section 5A hearing given by the acquiring

body through the Collector was defective and faulty. Since many land owners were not part of the writ proceedings, in subsequent orders, this Court had granted the facility of re-deposit of the awarded amount subject to which the lands could be returned. It is contended that the petitioner fell into latter category as her late husband too had approached the Appropriate Government with repeated representations to calculate the amount that were to be paid in order to avail benefit of de-notification of the lands, being free from acquisition. It is further stated that the representations in this regard were made continuously after 1991 i.e. after final orders in the Supreme Court upholding such directions. In these circumstances, it is submitted that Section 24 (2) of the 2013 Act clearly applies to the facts of this case.

2. The respondents state that according to the pleadings, the petitioner's husband-late Sh. Vishnu Dutt Sharma did not actually deposit the compensation amount received. It is further more submitted that the following pleadings preclude the relief granted and sought in the present case: -

“4.2 In the case of the Petitioner, the husband of the Petitioner, late Shri Vishnu Dutt Sharma, during his lifetime was paid compensation for the said land. After the direction of the Hon'ble Supreme Court the petitioner's husband made representation to the Respondent Number 5 for calculation of the amount to be paid back to the Land Acquisition Collector (MW), to which no response was given to the representation made till the date. It is pertinent to mention that, the actual physical possession of the land has remained with the husband of the Petitioner and after his demise, with the Petitioner continuously since the year 1980 till date. By effect of the proviso of Section 24(2) of the

New Land Acquisition Act, the impugned acquisition has thus lapsed. The proviso to Section 24(2) is also very clear that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act. The Hon'ble Supreme Court in Bharat Kumar Vs. State of Haryana [Civil Appeal No.1971/2014], Bimla Devi & Ors. Vs. State of Haryana & Ors. [Civil Appeal No.3871/2014] and Union of India &Ors. Vs. Shivraj & Ors. [Civil Appeal No.5478-5483/2014] in identical situation has quashed the acquisition proceedings giving benefit of the Section 24 (2) of the New Land Acquisition Act to the land owners where possession of the land has been with the land owners.”

3. It is clear from the above that the land owner had received compensation in the present case. The land also vested completely with the Appropriate Government in terms of the Act way back in 1987, after possession was acquired. In these circumstances, the relief cannot be granted.
4. The writ petition is dismissed alongwith the pending application.

S. RAVINDRA BHAT
(JUDGE)

R.K. GAUBA
(JUDGE)

AUGUST 28, 2017

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