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

+ **W.P.(C) 172/2015 & CM No.283/2015**

DHARAM VIR & ORS.

..... Petitioners

Through: Mr. B.S. Maan with Mr. Vishal Maan,
Advts.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

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

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

10.07.2017

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1. The petitioners claim declaration under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the lands comprised in Khasra No.548/2 (1-4), 550/1 (0-8), 557/2 (0-16) and 558/1 (2-8) total admeasuring 4 bigha 16 biswas, situated in Revenue Estate of Village Satbari, Tehsil Hauz Khas, New Delhi.

2. The brief facts are that the land was sought to be acquired through a Section 4 land acquisition notification dated 25.11.1980; a declaration was subsequently issued in 1985. The suit land and other notified lands were assessed to compensation by award dated 26.05.1987. The petitioners claim

to have acquired the suit lands through a General Power of Attorney, Agreement to Sell, etc. from the previous occupants. They also rely upon a sale deed dated 07.01.1997 – *albeit* registered from the Sub-Registrar's office in Mumbai. It is submitted that by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the acquisition of the suit lands is deemed to have lapsed.

3. The respondents dispute the petitioners' right to claim relief in the first instance, however, with respect to the main contention it is stated by the Land Acquisition Collector in its counter affidavit as follows:-

“8. That it is submitted that in the present case, the petitioners never challenged the acquisition proceedings however the physical possession of the subject lands could not be taken as also the compensation has been sent in RD as unclaimed.”

4. It is evident that the respondents will not deny that neither was compensation paid nor was possession taken from the original land owners. The principal objection (both of the DDA and the LAC) hinge upon the petitioners being strangers to the land as they were not the land owners at the time of the acquisition. It is also stated that the petitioners took subsequent occupation by virtue of a chain of General Powers of Attorney, through one of which they claim some interest in the property. The petitioners, on the other hand, counter that they entered possession on the basis of such documents in 1994 and that subsequently the sale deed was executed in the year 1997. During the course of hearing, the respondents had sought to contest the sale deed as not even being registered. However,

the Court notices that the petitioners had claimed that the document was registered in Mumbai on 07.01.1997 and that the document produced (Annexure P2) clearly shows that the appropriate stamp duty was paid. Furthermore, at the relevant time – at least till 24.09.2001 the documents registered by the concerned Sub-Registrar in Mumbai or outside Delhi were recognized to be valid. In these circumstances, the technical objection as to the petitioners' locus, is insubstantial.

5. As the respondents have not denied that the possession of the suit lands was not taken over and furthermore the compensation was not tendered, in the present case the petitioners are entitled to the declaration sought. Accordingly, it is held that the acquisition of the suit lands is deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The writ petition is allowed.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 10, 2017

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