

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

Date of Decision: September 05, 2017

+ **W.P.(C) 484/2016 & C.M.1990/16, 37880/16**

ROOPRAM Petitioner

Through: Mr. Vishal Maan, Advocate

Versus

GOVT OF NCT OF DELHI AND ORS Respondents

Through: Mr. Sachin Nawani, Advocate for
respondents No.1 & 2

Mr. Priyank Sharma, Advocate for Mr. K.S.

Singh, Advocate for applicant in C.M.37880/16

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

S. RAVINDRA BHAT, J. (OPEN COURT)

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* (for short 'the New Act') to the effect that acquisition of their lands (Khasra No. 211 (2-2), 213 (3-3), 320 (1-16) and 321 (2-17), total measuring 9 bigha and 18 biswas, out of which the petitioner is co-owner to the extent of 2/3rd share i.e. 6 bighas and 12 biswas) situated in Revenue Estate of Village Dallupura, New Delhi, has lapsed by virtue of Section 24 (2) of the New Act.

2. In this case, the suit lands alongwith other lands were notified under Section 4 of the old Land Acquisition Act (of 1894) on 17th November, 1980. A declaration under the old Act was issued under Section 6 on 29th September, 1981. After notices were issued to the land owners and their evidence considered, the Award was published by the

Land Acquisition Collector on 1983. The petitioner complains that after framing of the Award, neither was possession of the acquired lands taken over by the respondents nor was compensation or any part of it paid to them.

3. In C.M.37880/2016, impleadment of the applicant is sought on the ground that he is a co-sharer of the suit lands. The petitioner's counsel—as well as that of respondents—does not have any objection to this application. The said party is impleaded as a petitioner in this case.

4. In reply to the show-cause notice issued, the Land Acquisition Collector *inter alia* states as follows: -

6. That as per the records, the land of the petitioner bearing Khasra No. 211(2-02), 213(3-03), 320(1-16) & 321(2-17) total admeasuring 9 bigha 18 biswa situated at the revenue estate of village Dallupura, Delhi were notified under section 4 of Land Acquisition Act on 17.11.1980 followed by declaration under section 6 of Land Acquisition Act on 29.9.1981 for public purpose namely for Planned Development of Delhi. In pursuance of said notification, notices under section 9 & 10 of the Act, were issued to the interested persons, inviting the claims from all the interested persons and claims were also filed by the interested persons. The then Land Acquisition Collector passed Award No. 79/1982-83 dated 9.3.1983 after considering the claims of the claimants.

7. That in the present case, the possession of land falling in Khasra No. 211 (2-2) & 213 (3-3) was taken over and handed over to the beneficiary department, Delhi Development Authority on 11.3.1983. The notification u/s 22(i) under the Delhi Development Authority Act was also issued on 30.3.1983. However possession of Khasra No. 320(1-16) & 321(2-17) was not taken due to built up area as per the possession report. It is further respectfully submitted

that there is no entry about the payment of compensation amount to interested persons.

5. By virtue of a series of judgments, starting with that of *Pune Municipal Corporation and. Anr. v. Harakchand Misirimal Solanki and Ors.*, (2014) 3 SCC 183, the Supreme Court has held that if the acquiring body either does not pay compensation to the land owner or take possession within five years before coming into force of the 2013 Act, the acquisition is deemed to have lapsed.

6. In the present case, the respondents have clearly admitted that possession of the above-mentioned two Khasra Numbers [to the extent of 320 (1-16) and 321 (2-17)] was not taken due to built up area. They also admit that compensation was not paid.

7. In these circumstances, the petition has to succeed. A declaration is issued to the effect that the suit lands i.e. 320 (1-16) and 321 (2-17) situated in Revenue Estate of Village Dallupura, New Delhi, are free from acquisition and the acquisition is deemed to have lapsed by virtue of Section 24 (2) of the New Act.

8. The writ petition is allowed in above terms. The pending applications also stand disposed of.

**S. RAVINDRA BHAT
(JUDGE)**

**SUNIL GAUR
(JUDGE)**

SEPTEMBER 05, 2017

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