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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (C) 589/2017, CM APPL.2710/2017

MANOJ KUMAR

..... Petitioner

Through: Mr. Sunil K. Goel with Mr. Lalit K. Rawal,
Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

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

Mr. Dhanesh Relan, Adv. for DDA with Ms. Gauri
Chaturvedi, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

25.07.2017

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The petitioner claims a direction that the acquisition in respect of the suit lands, i.e., Khasra 270(03-06)1/2 i.e.(01-13) Village Ghonda Gujuran Khadar, Shahdara, Delhi is deemed to have lapsed. Apparently, the Notification under Section 4 was made on 23.09.1989 followed by declaration under Section 6 on 20.06.1989. The award was made on 19.06.1992. It is stated that the petitioner has not been dis-possessed from the land.

In reply, the LAC has affirmed as follows: -

“5. That it is submitted that for purposes of planned development of Delhi, the answering respondent issued a Notification u/s 4 of the Land Acquisition Act, 1894 on 23.06.1989 which was followed by

Notification u/s 6 of the said Act dated 20.06.1990 for planned development of Delhi for the acquisition of the lands falling in village Ghonda Gujran Khadar. That an Award bearing No.8/92-93 dated 19.6.1992 was also passed and the actual vacant physical possession of the subject lands falling in khasra number 270 min (3-06) was taken on the spot by preparing possession proceedings dated 21.3.2007 and handed over to the DDA on the spot whereas the compensation was also paid to Sh. Narayan Singh ½ share and Sh. Rattan Singh ½ share, both sons of Sh. Tej Ram on 20.8.2007 for Kh. No.270min (1-13) and the ownership of the Kh.No. 270min (1-13) Gram Sabha Gaddhe. It is submitted that having taken the actual vacant physical possession of the subject land, the above-said persons applied for release of compensation and after completion of due formalities by them, the compensation was duly released in their favor.”

From the above it appears that the petitioner’s title and ownership to the land is in dispute as the ownership recorded in the revenue documents is that of Gram Sabha Gaddhe.

In the circumstances, learned counsel seeks liberty to withdraw the writ petition and file appropriate proceedings in accordance with law with such necessary documents in support of the petitioner’s claim as are made available.

The writ petition is dismissed as withdrawn but in the above terms.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 25, 2017
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