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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 909/2014, C.M. APPL.1832/2014 & 19183/2014
NAFE SINGH & ORS Petitioners
Through : Sh. T.N. Singh and Sh. Vikas. K. Singh,
Advocates.

versus

UNION OF INDIA & ORS Respondents
Through : Sh. Abhay Prakash Sahay, CGSC, for
UOI.
Sh. Ajay Verma, Standing Counsel with Sh.
Gurmehar. S. Sistani and Ms. Diviani Khanna,
Advocates, for DDA.
Sh. Yeeshu Jain, Standing Counsel with Ms. Jyoti
Tyagi, Advocate, for L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
06.11.2017

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1. The petitioners claim a direction that their lands comprised in Sector No.21, Khasra Nos. 1 and 2 (hereafter referred to as “the suit lands”) in the revenue estate of Village Barwala, Delhi are free of acquisition by virtue 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 2013 Act”].

2. The suit lands along with others were notified for acquisition for a public purpose under Section 4 of the erstwhile *Land Acquisition Act, 1894* [hereafter “the 1894 Act”] on 21.03.2003. A declaration was issued under Section 6 of the 1894 Act on 19.03.2004.

3. According to the State, the possession of suit lands was taken on 06.10.2005. At the stage of issuance of notice on 07.02.2014, this Court observed as follows:

“CM No. 1833/2014 in W.P.(C) 909/2014 and CM No. 1842/2014 in W.P.(C) 913/2014

The exemptions are allowed subject to all just exceptions.

W.P.(C) 909/2014, CM No. 1832/2014 and W.P.(C) 913/2014, CM No. 1841/2014

These writ petitions claim the benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. It is, however, an admitted position that the petitioners in these writ petitions have already received the compensation for the acquired land. The Section 4 Notification in the Land Acquisition Act, 1894 was issued on 21.03.2003 and the Section 6 Declaration is dated 19.03.2004 and the award was also published on 15.07.2005. The learned counsel for the respondents wish to file an affidavit indicating that possession has already been taken of the lands in question. The said affidavit be filed within two weeks. The rejoinder affidavit, if necessary, be filed within two weeks thereafter.

Renotify on 23.04.2014.”

4. It is contended by the petitioners that possession – as understood in the eyes of law was never taken. The petitioners rely upon the extracts of the revenue records such as *khasra girdawari* to say that they continued to be in cultivatory possession. It is also contended that compensation was never tendered in the manner identified by the Supreme Court in *Pune Municipal Corporation and Anr. v. Harakchad Misirimal Solanki and Ors.* 2013 (3) SCC 183 and subsequent judgment, notably, *Raghubir Singh Sehrawat v. State of Haryana* 2012 (1) SCC 792.

5. The respondents rely upon the possession proceedings to say that on

06.10.2005, the entire suit lands were taken possession of. In addition, the respondents have filed affidavits which include an affidavit that seeks to demonstrate that the petitioners, in fact, were paid compensation and that while securing compensation, the petitioners acknowledged that the possession had been handed-over.

6. The documents placed on record in the form of application for receiving compensation clearly show that the amounts awarded by the Land Acquisition Collector (LAC) was paid. Apparently, the petitioners also sought for enhancement by way of a reference. As far as the reliance placed upon *khasra girdawari* are concerned, the Court notices that the materials on record is to the effect that in 2005-06, the petitioners had cultivated *kharif* crops. *Per se* , this does not, in the opinion of this Court, in any manner displace the assertion of the respondents that possession was taken on 06.10.2005; according to the materials on record, possession of suit lands was also handed-over to the Delhi Development Authority (DDA).

7. In view of the above facts, the Court is of the opinion that the petitioners are not entitled to the declaration sought.

8. The writ petition is accordingly dismissed along with the pending applications.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 06, 2017/AJK