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

+ **W.P.(C) 1685/2016**

S.P. GUPTA & ORS

..... Petitioners

Through : Dr.Shiva Sharma, Advocate.

versus

**GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI &
ORS**

..... Respondents

Through : Ms.Astha Tyagi, Advocate with Ms.Sujatha
& Ms. Urmiljeet Kaur, Advocates for L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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17.07.2017

The petitioners' seek a direction that acquisition in respect of the suit lands i.e. Khasra Nos.13(03-01) and 14/2(01-02), in Village Aali, Delhi, is deemed to have lapsed by virtue of Section 24(2) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (hereafter called 'the Act').

The suit lands along with others were notified for acquisition on 06.04.1964. The total area so notified was 688 bighas and 9 biswas. The declaration under Section 6 of the old Act was made on 07.12.1966. The award No.3/97-98/SUPPL was made on 09.12.1997. In the meanwhile, the petitioners claim to have acquired the suit lands by a sale deeds dated 11.07.1990 from the heirs of late Rimal Singh,

the original land owner. Copies of the sale deeds have been produced. Significantly, the sale deeds are silent about the acquisition and more crucial about the right to collect compensation. The petitioners have relied upon 'No Objection Certificates' issued by the Revenue officials in favour of Santosh Singh S/o Rumal Singh, on 10.07.1990 i.e. a day prior to the execution of the sale deeds.

It is stated that neither compensation was paid to the land owners nor possession was ever taken of the suit lands.

The respondents i.e. DDA and the Govt. of NCT of Delhi dispute the assertion. It is stated that possession was taken on 26.05.1998 and that land owners, were paid compensation on various dates. It is also pointed out that the petitioners' denial that Santosh Singh was not the son of Rumal Singh, exposes their claim for relief to be hollow as they have produced 'No Objection Certificates' in support of the sale deed.

At the outset, this Court notices that this sale deeds executed on 11.07.1990 nowhere disclose two crucial facts i.e. the lands had already been acquired; more importantly they do not authorise the petitioners / vendees to collect compensation. The petitioners nowhere state that they had asserted the right to claim compensation determined in the award. In these circumstances, their plea that the land-owners were not paid compensation is factually unacceptable. In any event, affidavit of the Govt. of NCT of Delhi, which specifically has given dates when compensation was tendered, does disclose that the heirs of Rumal Singh were paid compensation. The relevant para

of the counter-affidavit reads as follows :

“8. That against the land in question and as per Naksha Mutzamin compensation has already been paid to the owner of the land as per the record. That as per Statement "A" details of compensation paid are as follows, (i) Jaichand S/o Rumal Singh was paid compensation of Rs. 81,291/- vide cheque no. 771614 dated 11.02.2011. (ii) Jagbir Singh, S/o Rumal Singh was paid compensation of Rs. 81,291/- vide cheque no. 771615 dated 11.02.2011. (iii) Vijay, S/o Rumal Singh was paid compensation of Rs. 81,291/- vide cheque no. 771716 dated 11.02.2011. It is further submitted that the Sale Deeds placed on record by the Petitioners is not a registered documents and hence the authenticity of this document is questionable.”

Having regard to the above and the other important fact that the sale deeds do not disclose that they were in fact registered, the Court is of the opinion that no relief can be granted to the present petitioners. The Writ Petition is therefore dismissed.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 17, 2017 / tr