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

DECIDED ON : JULY 25th, 2017

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W.P.(C) 1451/2016 & CM APPL. 6334/2016

MUKHTYAR SINGH & ORS. Petitioners

Through : Ms.Gayatri Nandwani, Proxy counsel
for Mr.Akhil Sachar, Advocate.

versus

GOVERNMENT OF NCT OF DLEHI & ORS..... Respondents

Through : Ms.Ruchika Rathi, Advocate for LAC.
Mr.Rahul Bakshi, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (OPEN COURT)

1. Learned counsel for the Govt. of NCT of Delhi through LAC seeks liberty to place on record the counter-affidavit. Liberty granted. Counter-affidavit is taken on record.
2. The petitioners seek a declaration that the acquisition proceedings of their lands in Khasra No.8/2 (1-9) total admeasuring 600 sq.yds. situated at the Revenue Estate of Village Humayunpur, New Delhi (hereinafter referred to as 'suit land') has lapsed under Section 11-A of the Land Acquisition Act, 1894.
3. The necessary facts are that a notification under Section 4 of the Land Acquisition Act, 1894 (old Act) was issued on 03.09.1957; it included the suit land. A declaration was issued under Section 6 on 04.01.1969. Petitioner No.1 is the recorded owner and the other

petitioners No.2 to 10 are the legal heirs of the other recorded owners i.e. Late Khajan Singh and Late Balbir Singh. The petitioners were not paid or tendered any compensation, the possession of the suit land was never taken over by the respondents. An application dated 17.04.2014 was filed before the office of Sub Divisional Magistrate, Saket for seeking information if the suit land has been acquired and whether compensation has been paid to the recorded land-owners. In response to the said application, it was informed that the suit land was notified under Sections 4 and 6 of the Land Acquisition Act, however, its possession could not be acquired.

4. The Govt. of NCT of Delhi through LAC, in its counter-affidavit, states in Paras (5 & 7) :

“5. That the land in question i.e., Khasra No. 8/2 (1-9) total admeasuring to 600 square yards situated at the Revenue Estate of village Humayunpur, New Delhi was notified being No. F.15(84)/57-L&H dated 03.09.1957 under section 4 of Land Acquisition Act followed by Declaration dated 04.01.1969 under section 6 of Land Acquisition Act for Planned Development of Greater Delhi.

7. It is submitted that no Award had been passed after the said notifications, hence the physical possession of the lands under reference could be taken nor the compensation paid to its respective recorded owners and/or the Petitioners.”

5. It is evident from the respondents’ admission that though the proceedings under Sections 4 & 6 of the Act were initiated, however, no award was passed under Section 11 of the old Act. It was mandatory to make an award within a period of two years from the

date of the publication of the declaration and if no award was made within that period, the entire proceedings for the acquisition of the land were to lapse under Section 11A of the old Act.

6. In the instant case, admittedly no award has been made within the prescribed period. Accordingly, the proceedings initiated under Sections 4 and 6 of the old Act regarding acquisition of suit land have lapsed. Moreover, neither possession of the suit land has not been taken over or any compensation been paid or tendered. The petitioners are thus entitled to the declaration sought.

7. The writ petition is allowed in the above terms. Pending application also stands disposed of.

**S.P.GARG
JUDGE)**

**S. RAVINDRA BHAT
(JUDGE)**

JULY 25, 2017 / tr