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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2227/2014, C.M. APPL.4649/2014, 15781/2014,
12064/2015, 16584/2015, 16587/2015

VED PRAKASH AND ORS. Petitioners
Through : Ms. Mannat Sandhu, proxy for Sh.
Pramod Gupta, Advocate, for petitioner.

versus

UNION OF INDIA AND ORS. Respondents
Through : Sh. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates, for L&B/LAC.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE S.P. GARG

% **ORDER**
10.10.2017

1. This petition was heard and reserved for orders on 11.07.2017. The matter was listed, therefore, for directions today. The petitioners claim directions under 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. In all, there are 54 petitioners. In essence, they state that the provisions of the 2013 Act would apply since neither was possession taken nor compensation contemplated in accordance with the *Land Acquisition Act, 1894* [hereafter “the 1894 Act”] paid.

3. The facts are that the notification under Section 4 of the 1894 Act for acquisition of land in Village Holambi Kalan to the extent of

1484 bighas 5 biswas was issued on 27.01.2003; a declaration was issued to the extent of 1441 bighas and 17 biswas on 23.01.2004 [hereafter referred to as “the suit lands”].

4. After considering the materials on record and the submissions of the interested land owners, two Awards were issued on 22.08.2005 and 23.08.2005. It is contended that since possession was not taken in accordance with law and furthermore that compensation was not paid, the mandate of Section 24(2) of the 2013 Act applied.

5. The Appropriate Government and the Delhi Development Authority (DDA) have filed counter affidavits as well as the additional affidavit in support of their contentions. It is pointed-out that as far as compensation is concerned, the petition clearly avers as follows:

“.....In the present case even though compensation amount has been paid to the petitioners in December, 2005, but physical possession of acquired land has not been taken till date as they are in continuous physical possession over their acquired land by way of making cultivation etc. and as such acquisition proceedings qua the land of the petitioners shall be deemed to have lapsed.....”

6. That there is a clear admission that compensation in respect of the suit lands was actually paid to the land owners. As far as possession is concerned, both the DDA and the Appropriate Government have filed the possession proceedings dated 18.11.2005. These show that the possession of the entire stretch of land was taken over by the authorities on the relevant date. Certain portions of the

land which could not be taken possession of were taken on 23.12.2005.

7. Furthermore, the respondents have also filed on record evidence by way of signed vouchers disclosing that the compensation was in fact paid in accordance with law. Furthermore, the petitioners also appear to have claimed enhanced compensation and sought reference under Section 18 of the 1894 Act.

8. Having regard to these materials substantiated by the documents, the Court is of the opinion that the relief claimed cannot be granted. The writ petition is accordingly dismissed along with the pending applications.

S. RAVINDRA BHAT, J

S.P. GARG, J

OCTOBER 10, 2017/ajk