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

DECIDED ON : 24th JULY , 2017

+ **W.P.(C) 1869/2016**

CHAMAN SINGH & ORS. Petitioners

Through : Mr.Inder Singh, Advocate.

versus

LAND ACQUISITION COLLECTOR EAST & ANR.

..... Respondents

Through : Mr.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 S.P.GARG

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

1. The petitioners seek declaration that acquisition of land in Khasra Nos. 193/2/3 (0-19), 193/2/1 (0-10), 193/2/2 (0-19) and 455/192/2/10 (0-10) total measuring 2 bighas and 18 biswas situated in the Revenue Estate of Village Gharonda Neemka Bangar, Delhi (hereinafter referred to as 'suit land') has lapsed by virtue of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act').

2. The necessary facts are that a notification under Section 4 of the Land Acquisition Act, 1894 (old Act) was issued on 13.11.1959; it included the suit land. A declaration was issued under Section 6 on 20.06.1966. The award bearing No.6C/71-72 (Suppl.) dated 27.03.1977 was made by the Land Acquisition Collector.

3. The petitioners aver that Jai Chand was the owner of the suit land after its purchase on the basis of Power of Attorney, etc. Jai Chand has since expired on 21.08.2014. Only symbolic possession of the suit land was taken over by the respondents on 27.03.1977; its physical possession continues to be with the petitioners. The petitioners have not been paid or tendered compensation.
4. The Govt. of NCT of Delhi through LAC, in its counter-affidavit, states in Paras (4 & 6) :

“4. That the present writ petition is further liable to be dismissed as the petitioners have not placed on record any document showing therein their entitlement over the subject land as they are not the recorded owners in the revenue records thus the petitioners are not entitled to any relief before the Hon'ble Court under the writ jurisdiction. It is submitted that the land shown in khasra number 193/2 (5-01) & 193/3 (4-07) have been shown in the name of Gaon Sabha however the petitioners have not impleaded the Gaon Sabha as a necessary party in the present writ petition. It is further submitted that the land falling in khasra number 455/192/2/10 (0- 19) has been shown in the name of Chandrawati through whose GPA, the deceased father of the petitioners had got further GPA for 1000 sq. yds. The petitioners have not filed any document to show their entitlement over the subject land falling in two khasra numbers which are shown in the name of Gaon Sabha.

6. That it is submitted that for purpose of planned development of Delhi, the answering respondent issued a Notification u/s 4 of the Land Acquisition Act, 1894 on 13.11.1959 which was followed by Notification u/s 6 of the said Act for the acquisition of the lands falling in the khasra numbers under reference in village Gharonda

Neem ka Bangar. That an Award bearing No. 6-C/71-72 (supplementary) dated 31.3.1977 was also passed and the possession of the land falling in khasra number 455/192/2/10 (0- 19) was taken on 1.10.1976 on the spot by preparing possession proceedings and handed over to the DDA on the spot. The petitioners have also admitted that the physical possession is with the Government as the petitioners have prayed in the writ petition that the possession may be handed over back to petitioners. It is further stated that the land shown in the name of Gaon sabha could not be taken due to built up. It is further submitted that the compensation /RD register is missing from the records thus the status as to the payment of compensation could not be ascertained as this stage however the answering respondent is putting his best efforts to trace out the same and to place the factual matrix regarding the compensation before the Hon'ble Court."

5. It is evident that the possession of the suit has already been taken over by the respondents. The petitioners or their predecessor-in-interest Jai Chand were not the recorded owners of the suit land. The suit land was never mutated either in the name of the petitioners or their father - Jai Chand. Neither the petitioners nor Jai Chand ever intimated the respondents regarding purchase of the suit land. The documents on record on the basis of which the suit land was allegedly purchased do not confer any ownership rights upon the petitioners or Jai Chand. In the revenue record, ownership of the suit land has been shown in the name of Gram Sabha. Jai Chand is stated to have purchased the suit land on the basis of General Power of Attorney, etc. from one Chandrawati. However, there is no revenue record if Chandrawati was recorded owner of the suit land. The suit land was

acquired long back. After the acquisition of the suit land, its purchase on the basis of the Power of Attorney, etc. does not confer any legal right upon the petitioners to claim compensation.

6. The petitioners have no *locus standi* to claim the benefit under Section 24(2) of the Act. The petition is dismissed. Pending application, if any, also stands disposed of.

**S.P.GARG
(JUDGE)**

**S. RAVINDRA BHAT
(JUDGE)**

JULY 24, 2017 / tr