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

+ W.P.(C) 1785/2015 & CM APPL. 3180/15, 20059-60/15

NARENDER SINGH Petitioner

Through : Mr.M.C.Verma, Advocate.

versus

UNION OF INDIA & ORS Respondents

Through : Mr.Yeeshu Jain, Standing Counsel with

Ms.Jyoti Tyagi, Advocate for L&B/LAC.

Mr.Sanjeev Sabharwal, Standing Counsel DDA.

Mr.Santosh K.Tripathi, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **18.07.2017**

The petitioner's claim is for declaration that the acquisition of the suit lands i.e. Khasra No.23/14 (4-16) having 1/9th share, in the revenue estate of Village Mubarakpur Dabas, 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').

Concededly, notification under Section 4 of the Land acquisition Act, 1894 was made on 21.03.2003; a declaration followed under Section 6 of the old Act on 19.03.2004. After issuing notices under Sections 9 /10 an award No.16/2005-06 was finalised and published on 14.09.2005 by the Land Acquisition Collector.

Petitioner says that neither was possession taken nor was compensation paid in respect of the suit lands. The respondent - Govt. of NCT of Delhi in its counter-affidavit states as follows :

“6. That as per the records, the land in question bearing Khasra No. 23/14 (4-16) (petitioner is having 1/9th share) situated at the revenue estate of village Mubarakpur Dabas, Delhi were notified under Section 4 of the Land Acquisition Act on 21.03.2003 followed by declaration under Section 6 of Land Acquisition Act on 19.03.2004 for public purpose namely for Rohini Residential Scheme under PDD. In pursuance of said notification, notices under section 9 & 10 as provided under the Act, were issued to the interested persons, inviting the claims from all the interested persons and claims were also filed by the interested persons. The then Land Acquisition Collector passed Award No. 16/2005-06 dated 14.09.2005 after considering the claims of the claimants.

7. That in the present case, the possession of the above mentioned land to the extent of 04 bigha and 08 biswa was taken and handed over to the beneficiary department on 03.01.2007. However, possessions of the remaining portion of the land could not be taken over due to built up. The compensation with respect to above said lands were not paid to the recorded owners as there were various objections from different interested persons. Further, petitioner has not placed on record any document to show that entire land has been given to him.”

It is evident therefore that in the present case even though lands are said to have been taken over, compensation was not tendered to the land owners in accordance with law. From the above facts, it is evident that the compensation in accordance with law (as ruled in

Pune Municipal Corporation & Anr. vs. Harakchand Misirimal Solanki & Ors., 2014 (3) SCC 183) was not tendered or paid to the land owners so as to justify exclusion of Section 24(2) of the Act. Consequently that provision clearly operates. In these circumstances, it is declared that the acquisition of the suit lands is deemed to have lapsed in respect of the petitioner's 1/9th share. The writ petition is allowed in the above terms. Pending applications also stand disposed of.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 18, 2017 / tr