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

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Date of Judgment: 24th October, 2017

+ **W.P. (C.) No.1910/2015**

RAJ SINGH

..... Petitioner

Through

Mr. Ankit Jain with Mr. Sarvesh Rai,
Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through

Ms. Jyoti Tyagi, Advocate for Mr.
Yeeshu Jain, Standing Counsel for
L&B/LAC.

Ms. Slomita Rai, Advocate for Mr.
Madan Lal Sharma, Advocate for
respondent no.5.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V.KAMESWAR RAO

G.S.SISTANI, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India. The petitioner claims to be 1/6th owner of the land situated in Khasra Nos.116(23/2 (3-10), 24 (4-16), 25(4-04), 126/3/2 (3-10), 4(4-16), 5(4-16), 8(4-16), 9/2 (2-16), 12(4-12), 13(4-12), 14(4-12), 16(4-16), 17(4-16), 18(4-16), 19(4-16), 20(4-16), 126/21 (4-16), 22(4-16), 23(4-16), 24/1(3-16), 25/1(3-08), 127/16(4-16), 17/2(3-16), 24(4-16) 25 (4-16), 142/4 (4-12), 5(4-12), 6(4-16), 7(4-16), 155/1/1 (3-03), 2(4-08), 3(4-05) & 10(4-03) in the Revenue Estate of Village Bawana, Delhi which was acquired by virtue of Notification issued under Section 4 bearing No.F.10(39)/96/L&B/LA dated 15.11.1996 and declaration under Section 6 bearing

No.F.10(39)/96/L&B/LA dated 21.11.1996 and Award bearing No.1/97-98 dated 04.07.1997.

2. It is claimed that the respondents no.4 and 5 also had 1/12th share each in the aforesaid piece of land(hereinafter referred to as 'the said land').
3. Mr. Jain, learned counsel for the petitioner submits that the said land was acquired on 15.11.1996 and an Award bearing no.1/97-98 was passed on 04.07.1997. It is also the case of the petitioner that the Land Acquisition Collector had granted compensation of Rs.1,86,500/- per bigha for Block 'A' lands, Rs.1,61,500/- per bigha for Block 'B' lands. Mr. Jain further points out that certain reference under Section 18 of the Land Acquisition Act was decided in respect of the land acquired by the same award and enhanced compensation of Rs.2,41,452/- per bigha for Block 'A' lands and Rs.2,01,452/- per bigha for Block 'B' lands were awarded. It is also pointed out that the said judgments were challenged before this Court by way of various land acquisition appeals and decided on 11.05.2006. It is contended that the petitioner was awarded a sum of Rs.12,33,879/-, while the respondents no.4 and 5 were paid Rs.28,24,771.77 and Rs.34,91,234.89 respectively in respect of the acquisition of their land holdings in terms of the same Award.
4. Mr. Jain further submits that under the scheme of Land Acquisition Act, 1894, it is imperative that equal holders of land should get equal compensation in regard to acquisition of their land holdings. However, in the present case the petitioner has been given compensation which is much less than the compensation given to respondents no.4 and 5 herein in spite of the fact that the petitioner on

the one hand and respondents no.4 and 5 collectively on the other hand had 1/6th share each in the acquired land.

5. It is also contended by Mr. Jain that the aforesaid facts clearly show that the officials of respondents no.1 to 3 have either paid excess compensation to respondents no.4 and 5 or have not paid the compensation due and payable to the petitioner herein. It is contended that the officials of the respondents no.1 to 3 have not performed their duty as required by them as per law. It is contended that the said action or inaction is deliberate on the part of the officials of respondents no.1 to 3.
6. Counsel for the petitioner has also contended that in the said circumstances, it is imperative that the respondents no.1 to 3 should fix responsibility as to the officers who were responsible for the said action or inaction in relation to payment of correct compensation amount. It is contended that respondents no.1 to 3 should be directed to take appropriate action against the said erring officials after fixing responsibility.
7. Counsel for the petitioner also complains that the petitioner has addressed various communications to various authorities in relation to the aforesaid wrongdoing, but to no avail.
8. Counsel for the LAC submits that the allegations made and contentions raised in the present writ petition are baseless and unfounded. Counsel further contends that the present petition is premature. It is further pointed out that an inquiry has been instituted and the final report is awaited.

9. At this stage, Mr. Jain, counsel for the petitioner submits that the petitioner would be satisfied in case a direction is issued to fix the time frame for completion of the inquiry and further the respondents be directed to supply a copy of the inquiry report to the petitioner.
10. We have heard the learned counsels for the parties. The stand taken by the learned counsel for the petitioner is fair.
11. Accordingly, we direct the LAC to conclude the inquiry within a period of four months and supply a copy of the report to the petitioner at the address mentioned in the writ petition upon acknowledgement. Mr. Jain submits that in case he is dissatisfied with the report, he would seek appropriate remedy as available to him in accordance with law.
12. With the above agreed terms, the present writ petition stands disposed of.

G.S.SISTANI, J.

V.KAMESWAR RAO, J.

OCTOBER 24, 2017

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