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

+ W.P. (C) 2135/2015, CM APPL.3837/2015

MAHIPAL AND ORS

..... Petitioners

Through: None.

versus

DDA AND ORS

..... Respondents

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

Mr. Ajay Verma and Mr. Dhanesh Relan,
Advocates for DDA.

Mr. Santosh Kr. Tripathi, ASC, GNCTD.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

25.07.2017

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The petitioners claim a direction that the acquisition in respect of the suit lands, i.e., residential plots nos.97, 98, 99 and 103 measuring 113 Sq Yds each situated in Khasra No.37/22/2 (now referred as 37/22 min, measuring (2-8) situated within the finalized boundaries of regularized colony Suraj Park, revenue estate of village Samaypur, Delhi-110042 is deemed to have lapsed by virtue of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Lands were subject to the acquisition along with others by a

W.P. (C) 2135/2015

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Notification under Section 4 dated 24.10.1961 followed by declaration under Section 6 dated 7.12.1966. The award was made by the Collector on 04.07.1983. The petitioners alleged - in the proceedings - that neither was possession taken nor was compensation paid in respect of the acquired land.

The Govt. of NCT of Delhi through the Land Acquisition Collector (LAC) in its counter affidavit states as follows: -

“5. That it is submitted that the possession of the residential plots i.e. 97, 98, 99 and 103 measuring 113 sq. yds. each out of land bearing khasra no.37/22(2-08), of village-Samay Pur, is in ownership right of petitioners. The possession of aforesaid land was duly taken on 24.03.1999. However the awarded compensation with respect to the said land was not paid.”

In view of the above averments constituting admission with respect to non-payment of compensation, the requisites of sub-section (2) of Section 24 of the Act have been fulfilled, and, therefore, the declaration sought for i.e., that the acquisition proceedings in respect of the suit lands - residential plots 97, 98, 99 and 103 measuring 113 sq. yds. each out of land bearing khasra no.37/22(2-08), of village-Samaypur, Delhi has lapsed, is hereby given.

The writ petition is allowed in the above terms.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 25, 2017

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