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

DECIDED ON : 25th JULY, 2017

+ **W.P.(C) 3141/2016 & CM APPL. 13432/2016**
ASJAD JAMAL Petitioner

Through : Mr.R.B.Sharma, Advocate with
Mr.Anil Sharma, Advocate.

versus

UNION OF INDIA & ORS Respondent
Through : Mr.Roshan Lal Goel, Adv. for UOI.
Ms.Ruchika Rathi, Advocate for LAC.
Ms.Rukhmini Bobde, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

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

1. In the instant writ petition, the petitioner claims himself to be recorded owner of the land of Khasra No.419/260 (7-0) measuring 7 bighas and 0 biswa (hereinafter referred to as 'suit land') situated in the Revenue Estate of Village Jogabai, Jamia Nagar, Tehsil Defence Colony, District South-East, Delhi. The petitioner's claim is that acquisition of his 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 23.06.1989; it

included the suit land. A declaration was issued under Sections 6 & 17 on 22.06.1990. The award bearing No. 19/92-93 dated 19.06.1992 was made by the Land Acquisition Collector.

3. The petitioner avers that pursuant to the award, neither physical possession of the suit land was taken over by the respondents nor any compensation in respect thereof was ever paid or tendered. Relying upon *Pune Municipal Corporation & Anr. vs. Harakchand Misirimal Solanki & Ors.*, 2014 (3) SCC 183, counsel urged that the acquisition has lapsed since five year period indicated in Section 24(2) of the Act has ended.

4. The Govt. of NCT of Delhi through LAC, in its counter-affidavit, significantly makes the following admission in Para (6) :

“6. That the Land Acquisition Collector passed an Award bearing No. 19/92-93 dated 19.06.1992 and it is submitted that the physical possession of the land bearing Khasra Nos. 419/260 (07-00) situated in the Revenue Estate of Village Jogabai, Tehsil Defense Colony is not shown as per Kabza Karwari dated 22.11.2012 and 11.01.2002 and the compensation status is not available as Naksha Muntazmin and Statement A is not available in the record file.”

5. It is evident that neither possession of the suit lands was taken over nor any compensation for acquisition of the suit land was tendered or paid to the recorded owner(s).

6. As the respondents have not denied that the compensation of the suit lands has not been paid and its possession has not been taken over, the petitioner is entitled to the declaration sought to that extent.

Accordingly, it is held that acquisition of suit land in Khasra No.419/260 (7-0) measuring 7 bighas and 0 biswa vide award No. 19/92-93 dated 19.06.1992 is deemed to have lapsed by virtue of Section 24(2) of the Act.

7. The writ petition is allowed in the above terms. Pending application also stands disposed of.

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

**S. RAVINDRA BHAT
(JUDGE)**

JULY 25, 2017 / tr