

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

% Date of decision: 13th November, 2017

+ W.P.(C) 3283/2016

SHRAVAN MAAN

..... Petitioner

Through: Mr. B.S. Mann, Adv.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through: Ms. Jyoti Tyagi, Adv. for Mr. Yeeshu Jain, Adv.

Mr. Nikhil Rohatgi and Mr. Shashank Khurana, Advs. for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

G.S.SISTANI, J (ORAL)

1. Mr. B.S. Mann, learned counsel appearing for the petitioner submits that predecessor-in-interest of the petitioner namely Late Sh. Rai Singh, S/o, Iswhar Das was the recorded owner of the acquired land measuring 6 Bigha 2 Biswas comprised in Old Khasra No. 1145 (6-02) situated in the Revenue Estate of Village Mehrauli, New Delhi. A Section 4 Notification was issued on 23rd January, 1965 followed by Section 6 Notification on 7th December, 1966 and Award bearing No. 80(E)/1970-71 was made on 9th January, 1981. Mr. Mann admits that possession of the land in question has been taken, but no compensation has been paid. In these circumstances, Mr. Mann submits that petitioner is liable to be paid compensation under the provisions of the

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Counsel for the DDA submits that possession of the land has been taken and the same has already been put to use, which is admitted by Mr. Mann. Learned counsel for the respondent LAC while relying on Para 6 of the counter-affidavit submits that compensation was admittedly not tendered and deposited and sent to RD. Para 6 of the counter-affidavit reads as under:

“6. That as per the Statement ‘A’ of Award No. 80E/70-71 the status of payment of compensation is as under: -

<i>S. NO.</i>	<i>NAME</i>	<i>AMOUNT</i>	<i>REMARKS</i>
<i>1.</i>	<i>SAHAMAL</i>	<i>2650.11</i>	<i>DISPUTED-SENT IN RD</i>
<i>2.</i>	<i>BUDH</i>	<i>2650.12</i>	<i>DISPUTED-SENT IN RD</i>
<i>3.</i>	<i>SURJI</i>	<i>2650.12</i>	<i>DISPUTED-SENT IN RD</i>
<i>4.</i>	<i>SHIV DUTT</i>	<i>3975.16</i>	<i>DISPUTED-SENT IN RD</i>

”

3. We have heard the learned counsel for the parties. Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 reads as under:

“24(2)-Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years

or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holding has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

4. Having regard to the fact that the compensation was not tendered to the petitioner, but possession of the land was taken and the land has already been put to use for the Vasant Kunj Residential Scheme, the petitioner shall be entitled to compensation under the Act of 2013 within a period of not later than one year.

5. The petition stands disposed of.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 13, 2017/jg