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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3440/2016, C.M. APPL.14706/2016**
SURESH CHAND JAIN Petitioner
+ **W.P.(C) 3442/2016, C.M. APPL.14710/2016**
NIRMALA JAIN Petitioner
versus
UNION OF INDIA & ORS Respondents
Through: Sh. D.V. Khatri, Advocate, for
petitioners.
Through: Sh. Jasmeet Singh, CGSC with Sh.
Srivats Kaushal, Advocate, for UOI.
Sh. Sanjeev Sabharwal, Advocate, for DDA.
Ms. Shobhana Takiar, Advocate.
Sh. Siddharth Panda, Advocate, for LAC.
Sh. Varun Nischal, Advocate, for GNCTD.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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09.05.2017

The petitioners claim a declaration that by reason of Section 24(2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* [hereafter “the new Act”], the acquisition of lands, including their lands, by the respondents has lapsed.

The brief facts are that the notification under Section 4 of the Land Acquisition Act, 1894 [hereafter “the old Act”] in the present case, that included the petitioners’ land, was made on 22.08.2001. This was subject to a corrigendum on 26.06.2002. The declaration

under Section 6 of the old act was made on 05.07.2002 and subsequently an Award was made on 28.08.2003. Complaining of the lapse of the 5 year period under the new Act, the petitioners have approached this Court; the GNCTD in its counter affidavit disputes that possession was not taken or compensation not paid to the petitioners. It is stated that the power to dispense with the hearing and also proceed with the acquisition on urgent basis under Section 17 was resorted to in this case. The respondents rely upon a copy of the receipt signed by the petitioners, evidencing payment of compensation and furthermore, produced a copy of the application made to the concerned LAC on 02.09.2003 by the petitioner in W.P.(C) 3440/2016. In that background, the petitioner clearly stated that, *“....the abovesaid land the applicant was acquired by the Govt. through the above noted award and the possession of the same has been taken from the applicant and 80% compensation has already been paid to the applicant.”* It is quite evident from the above documents that the petitioners’ contentions are unmerited; the conditions stipulated in Section 24(2) of the new Act have not been fulfilled. The relief, therefore, cannot be granted. The writ petitions are accordingly dismissed along with the pending applications.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

MAY 09, 2017/AJK