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

% *Date of decision: 5th December, 2017*

+ W.P.(C) 3304/2016

PREM SINGH & ANR

..... Petitioners

Through: Mr. Shoaib Haider, Mr. Tanveer Zaki,
Mr. Navjot Kumar and Ms. Kulsum
Haider, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Poonam Kalia, SCGC for R1.
Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
L&B/LAC.
Mr. Nikhil Goel and Mr. Ashutosh
Ghade, Advs. for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

G.S.SISTANI, J (ORAL)

1. By the present petition, filed under Article 226 of the Constitution of India, petitioners seek a declaration that the acquisition proceedings with respect to the land of the petitioners being 404 Sq. Yds., 101 Sq. Yds. and 200 Sq. Yds. comprised in Khasra No. 554/214 measuring 2 bighas and 12 biswas situated in the revenue estate of Village-Jasola, New Delhi (hereinafter referred to as 'subject land') are deemed to have lapsed in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (New Act), as

neither possession of the subject land has been taken nor compensation has been paid. In this case, notification under Section 4 of the Land Acquisition Act, 1894 was issued on 6th April, 1964, Section 6 notification was issued on 7th December, 1966 and Award bearing no. 6D/SUPP/86-87 was made on 19th September, 1986. Counsel for the petitioner placed reliance on Paras 14 to 20 of the decision rendered by the Supreme Court of India in the case of ***Pune Municipal Corporation & Anr. V. Harak Chand Misiri Mal Solanki & Ors. (2014) 3 SCC 183*** and decisions rendered by this Court from time to time in support of his submissions. Counsel for the petitioners has also drawn the attention of the Court to the counter-affidavit filed by the respondent / LAC, more particularly, Para 6 which reads as under:-

“That as per the Naksha Muntazmin / Statement A, the answering Respondent submits that the compensation not paid of Khasra No. 554/214 (2-04) and compensation paid of Khasra No. 492/234 (3-9)

	<i>Name of the land owners</i>	<i>Amount</i>	<i>Cheque No.</i>	<i>Date</i>
<i>As per Statement A / Shumar No. 52 and 53</i>	<i>Maan Singh S/o. Bansi</i>	<i>55111.43</i>	<i>535844</i>	<i>29.01.2004</i>
	<i>Prem Singh S/o. Bansi</i>	<i>48222.50</i>	<i>535845</i>	
	<i>Aman Singh S/o. Bansi</i>	<i>48222.50</i>	<i>535846</i>	
	<i>Maan Singh S/o. Bansi</i>	<i>4299331.68</i>	<i>839302</i>	

	<i>Prem Singh</i> <i>S/o. Bansi</i>	3798778.32	839303	
	<i>Aman Singh</i> <i>S/o. Bansi</i>	3798778.32	839304	

2. Counsel for the petitioner has also drawn the attention of the Court to a judgment passed by another Division Bench of this Court in ***W.P.(C) 8196/2015*** titled as ***Aman Singh v. Union of India and Ors.*** to show that acquisition proceedings with respect to 845 Sq. Yds. of land in the same village, i.e., Jasola and same Khasra Number already stands lapsed.

3. We have heard the learned counsel for the parties and considered their rival submissions. Having regard to the clear stand taken by the LAC that compensation has not been tendered to the petitioner, the case of the petitioner fully covered by the decision rendered by the Supreme Court of India in the case of ***Pune Municipal Corporation & Anr.(supra)***.

4. For the reasons aforesaid, we are of the considered view that the necessary ingredients for the application of Section 24(2) of the New Act as has been interpreted by the Supreme Court of India and this Court in the following cases stand satisfied:

- (1) ***Pune Municipal Corporation & Anr. v. Harakchand Misirimal Solanki & ors., reported at 2014 3 SCC 183;***
- (2) ***Union of India and Ors v. Shiv Raj and Ors., reported at (2014) 6 SCC 564;***
- (3) ***Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors, Civil Appeal no.8700/2013 decided on 10.09.2014;***
- (4) ***Surender Singh v. Union of India & Others, W.P.(C).2294/2014 decided on 12.09.2014 by this Court; and***

***(5) Girish Chhabra v. Lt. Governor of Delhi and Ors;
W.P.(C).2759/2014 decided on 12.09.2014 by this Court.***

5. In view of the discussion above, the petitioners are entitled to a declaration that the acquisition proceedings with respect to subject land are deemed to have lapsed. It is so declared.

6. Accordingly, the petition stands disposed of.

G.S.SISTANI, J

V. KAMESWAR RAO, J

DECEMBER 05, 2017/jg



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