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

+ W.P.(C) 3566/2016 & CM No.15277/2016

M/S. NORTHERN INDIA PLYWOODS PVT. LTD.

..... Petitioner

Through Mr.Pankaj Vivek and Ms.Anupriya
Singh, Advs.

versus

LAND ACQUISITION COLLECTOR/A.D.M. & ORS.

..... Respondents

Through Mr.Sanjeev Sagar and Ms.Navin
Arora, Advs.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **15.05.2017**

In this proceeding, the petitioners seek a declaration that the acquisition of their lands, Khasra Nos.77/2/1 (4-9), 77/9/2 (4-9), 77/12/1/1 (4-8) & 77/19/2/1 (0-8) admeasuring 13 Bighas 14 Biswas situated in village Mehrauli, Tehsil Hauz Khas, New Delhi [hereafter referred to as “the lands”] has lapsed.

In the present case, the state/GNCTD by notification dated 24.10.1961 under Section 4 of the Land Acquisition Act, 1894 (hereafter “the old Act”) sought to acquire the lands. Subsequently, a declaration too was issued under Section 6 of the old Act on 04.01.1969. The concerned Land Acquisition Collector (LAC), made the Award No.75/83-84 dated 09.12.1983.

The petitioners submit that they were owners of the suit lands and also claimed amounts before the Land Acquisition Collector (LAC). They contend that though possession of the land was taken at the relevant time, they were never paid compensation in accordance with law and thus are entitled to the declaration sought.

The respondents have repeatedly sought adjournments; especially the DDA has repeatedly sought time to file counter affidavit. LAC has filed counter affidavit.

The petitioner relies upon the reply of the LAC dated 01.02.2016 to a query made under the Right to Information Act which states as follows:

“Sir,

As per status report of letter no. 128/NT/LAM-29/1/2016 village Mehrauli Khasra No. 77/2/1 (4-09), 9/2 (4-09), 12/1/1 (4-08), 19/2/1 (0-8), 77/11/1 (1-18), 10 (4-02), acquired under Award No.75/83-84. Applicant asked for compensation of land at SI. No. 12 of Khasra No. 77/2/1 (4-09), 9/2 (4-09), 12/1/1 (4-8), 19/2/1 (0-8) and SI. No. 39, 40 of Khasra No. 77//10 (4-02), 11/1 (1-13) which is recorded.

The report of which shall be obtained from A/c Clerk.

Sd/-
1/2/2016

NT(LA)
Sd/-
1/2/16

A/C

As per statement (A) award No. 75/83-84 village Mehrauli detail as under:

SI.	Name	Amount	Remarks
12	Northern India	Rs. 49583.77	Sent in R. D
39	Kartar Singh	Rs. 10857.80	Sent in R. D
40	Raj Singh	Rs. 10857.81	Sent in R. D

Sd/- NT(LA)
Sd/-
1/2/16”

The LAC has been unable to refute the petitioners’ allegations that compensation was not paid in accordance with law, i.e. tendered in accordance with law declared by the Supreme Court in *Abhey Ram V/s. Union Of India* (1997) 5 SCC 421.

In the given circumstances of the case, there is no impediment for this Court to grant the relief sought.

Accordingly a declaration is issued under Section 24(2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* that the acquisition proceedings in respect to the suit lands is deemed to have lapsed. This, however, does not preclude the respondents from initiating fresh and appropriate proceedings for fresh acquisition in accordance with law. The writ petition is allowed in the above terms.

S. RAVINDRA BHAT, J

NAVIN CHAWLA, J

MAY 15, 2017/vp