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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**DECIDED ON : 25<sup>th</sup> JULY , 2017**

+ **W.P.(C) 4458/2016 & CM APPL. 27036/16**  
SATYAWAN AND ORS ..... Petitioners  
Through : Mr.I.S.Dahiya, Advocate.  
versus  
UOI AND ORS ..... Respondents  
Through : Mr.Yeeshu Jain, Standing Counsel with  
Ms.Jyoti Tyagi, Advocates for L&B/LAC.  
Mr.Rahul Bakshi, 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. The petitioners seek declaration that the acquisition of land in Khasra No.27/25/2 (3-16), 28/21/1 (3-7) & 53/1/1 (1-00) measuring 8 bighas and 03 biswas, situated in the Revenue Estate of Village Bijwasan, Delhi, (hereinafter referred to as 'suit land') has lapsed under 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 petitioners aver that they had purchased the land in Khasra No.27/25/2 (3-16), 28/21/1 (3-7), 53/1/1 (1-00), 54/5 (4-16), 54/6 (5-05) measuring 18 bighas and 04 biswas from its previous recorded owner Jai Lal on 29.11.1993 by a registered sale deed. The suit lands were mutated in their names. A Notification under Section 4 of the Land

Acquisition Act was made on 13.12.2000 to acquire a large tract of land measuring 543 bighas and 3 biswas, situated in the Revenue Estate of Village Biswasan, Delhi, for 'Dwarka Phase-II, under planned development of Delhi'; it covered the suit lands. Notification under Section 6 of the Old Act was made on 07.12.2001. Award bearing No.28/2002-03 was made thereafter.

3. The petitioners claimed that only symbolic possession of the suit land has been taken over by the respondents. Its physical possession was never taken. No compensation, whatsoever, was paid to them.

4. Para No.6 of the counter affidavit filed by the respondents read as under :

*"6. That it is submitted that the actual vacant physical possession of the lands falling in khasra number 28//21/1 (3-07) and 53//1/1 was duly taken on the spot on 5.9.2002 whereas the land falling in khasra number 27//25 (4-11) was taken on 28.11.2006 and handed over the same to the DDA on the spot by preparing possession proceedings. It is submitted that the 27//25 (4-11) consists of two parts 27//25/1 (0-15) & 27//25/2 (3-16) and possession of entire khasra was taken, stated supra. As per statement 'A', the compensation of Rs. 6,36,172/- was paid to the petitioners on 26.11.2002 and further sum of Rs, 5,55,717/- were paid to Satyawar through RTGS on 22.5.2013. The documents evidencing the payment of compensation are annexed herewith as Annexure R -1."*

5. It is evident that the physical possession of the suit land has been taken on 05.09.2002 and 28.11.2006 and the compensation has been paid to the petitioners. In the rejoinder, the petitioners did not deny the

receipt of compensation as disclosed in the counter-affidavit. Their only plea is that only symbolic and not physical possession was taken.

6. Considering the above facts, the petitioners have no right / claim to seek declaration under Section 24(2) of the Act.

7. The petition is dismissed. All pending application(s) also stand disposed of.

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

**S. RAVINDRA BHAT  
(JUDGE)**

**JULY 25, 2017 / tr**

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