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

DECIDED ON : AUGUST 16, 2017

+ **W.P.(C) 5076/2014 & CM APPL.17160/2014**

SATBIR SINGH & ORS

..... Petitioners

Through : Mr.Dhruv Sharma, Advocate.

versus

THE HONORABLE LT. GOVERNOR AND ORS

..... Respondents

Through : Mr.Yeeshu Jain, Standing Counsel with
Ms.Jyoti Tyagi, Advocate for
L&B/LAC.
Mr.Pawan Mathur, Standing Counsel
for DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

S. RAVINDRA BHAT, J. (OPEN COURT)

1. The matter was originally listed on 14.08.2017. Since 14.08.2017 was declared a court holiday, this matter is listed today.
2. The petitioners claim themselves to be recorded owners/Bhoomidars of the land in Khasra Nos.1292 measuring 1 bigha and 7 biswa to the extent of 1/2 share and 2002/1288 measuring 1 bigha and 18 biswas to the extent of 1/4th share situated in the revenue estate of Village Kishangarh Mehrauli, Delhi. The petitioners' claim is

that acquisition of their lands (hereinafter referred to as 'suit land') has lapsed by virtue of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act').

3. The necessary facts are that a notification under Section 4 of the Land Acquisition Act, 1894 (old Act) was issued on 23.01.1965; it included the suit land. A declaration was issued under Section 6 on 17.12.1966. After considering the evidence and submissions, the award bearing No.80E/70-71 (supp.) dated 9.1.1981 was made by the Land Acquisition Collector.

4. The petitioners aver that pursuant to the award, complete compensation in respect of their share of the suit land thereof was neither paid or tendered though possession was taken on 23.9.1981. Relying upon *Pune Municipal Corporation & Anr. vs. Harakchand Misirimal Solanki & Ors.*, 2014 (3) SCC 183, counsel urged that the acquisition has lapsed since five year period indicated in Section 24(2) of the Act has ended.

5. The respondents specially the Govt. of NCT of Delhi through LAC, in its counter-affidavit states in Para 6 and 7 :

“ That as per record, the land in question i.e.Khasra no.1292 (1-07) having 1/2 share and 2002/1288 (1-18) having 1/4th share situated at the revenue estate of village Kishangarh Mehrauli, New Delhi, was notified under Section 4 of Land Acquisition Act on 23.01.1965 followed by declaration under Section 6 of Land Acquisition Act on 07.12.1966 for Planned Development of Delhi. In pursuance of said notification, notices under Sections 9 & 10 as provided under the Act, were issued to the

interested persons, inviting the claims from all the interested persons and claims were also filed by the interested persons including the predecessor(s) in interest of the present petitioners with respect to the above said land in question. The then Land Acquisition Collector passed Award no.80E/70-71 dated 09.01.1981 after considering the claims of the claimants.

That in the present case, the possession of the above mentioned land was taken over and handed over to the beneficiary department on 23.09.1981. The 2/3rd share of compensation with respect to Khasra No.2002/1288 (1-18) has been paid but the compensation with respect to Khasra no.1292(1-7) has not been paid.”

6. From the above, it appears that the compensation in respect of half share of suit land of the petitioners in Khasra no.1292 (1-07) situated in the Village Kishangarh Mehrauli, Delhi has not been paid. They are, therefore entitled to a declaration, as claimed, under Section 24(2) of the Act. However, as far as 1/4th share in Khasra No.2002/1288 measuring 1 bigha and 18 biswas situated in the Village Kishangarh Mehrauli, Delhi is concerned, the materials placed on record as well as the tabular chart produced by the respondents in support of their contentions indicate that majority of the land owners to the extent of 2/3rd share holders were paid the compensation. The particulars of the amounts paid to the other co-sharers is as follows:

Name	Father's Name	Share	Amount	Remarks
Udal	Devi Singh	1/12	91.4	Disputed RD

Prithi	Devi Singh	1/12	91.04	Paid vide RV dated 31.7.82
Chhatar	Devi Singh	1/12	91.04	Paid vide RV dated 31.07.82
Bhani	Indar	1/4	273.12	Disputed RD
Ramdhan	Harphool	1/8	136.56	Paid
Amrit	Harphool	1/8	136.56	Paid vide RV dated 29.09.82
Risal	Rammehar	1/24	45.52	Disputed RD
Jai Singh	Rammehar	1/24	45.52	Paid vide RV dated 29.09.82
Maan Singh	Rammehar	1/24	45.52	Paid vide RV dated 29.09.82
Ram Bhajan	Durga	1/8	136.56	Paid vide RV dated 29.09.82

7. In view of the above and having regard to the interpretation of Section 24 (2) by this Court in *Ram Prakash Kathuria vs Union of India & Ors* [WP(C) No.4465/2016] *Suraj Singh & Anr. vs. the Honorable Lt. Governor Raj Bhawan, Delhi & Ors.* [W.P.(C) 6395/2014], decided on 2.5.2017, it is held that the petitioners are only entitled to the balance compensation along with other attendant benefits in respect of 1/4th share in their suit land.

8. In view of the above discussion, the writ petition is partly allowed to the extent it relates to the petitioners' 1/2 (half) share in Khasra No. 1292 measuring 1 bigha and 7 biswa situated at the revenue

estate of village Kishangarh Mehrauli, New Delhi vide award bearing No. 80E/70-71 (supp.) dated 9.1.1981. Accordingly, it is held that acquisition of said suit land to the extent of petitioner's half share in Khasra No.1292 (1-07) village Kishangarh Mehrauli, Delhi is deemed to have lapsed by virtue of Section 24(2) of the Act.

9. In respect of Khasra No. 2002/1288 measuring 1 bigha and 18 biswas to the extent of 1/4th share situated in the Village Kishangarh Mehrauli, Delhi, petitioners are at liberty to claim the balance amount of determined compensation and are not entitled to the declaration under Section 24(2) of the Act.

10. The writ petition and all pending application(s) stand disposed of in the above terms.

**S. RAVINDRA BHAT
(JUDGE)**

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

AUGUST 16, 2017/sa