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IN THE HIGH COURT OF DELHI AT NEW DELHI

DECIDED ON : 17th JULY , 2017

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W.P.(C) 2727/2015 & CM APPL. 4895/2015

YUDHVIR SINGH & ORS.

..... Petitioners

Through : Mr.Raj Bahadur Singh, Advocate with
Mr.Arun K.Kaushik, Advocate.

Versus

UNION OF INDIA & ANR.

..... Respondents

Through : Ms.Mrinalini Sengupta, Advocate with
Mr.Shatrajit Banerji, Advocate for DDA.
Mr.Yeeshu Jain, Standing Counsel for L& B / LAC
with Ms.Jyoti Tyagi, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (OPEN COURT)

1. In the instant writ petition, the petitioners claim themselves to be recorded bhumidars of the land of Khasra Nos. 122 min. (00-12), 137(06-06), 32 min. (20-08), 50 (02-17), 83 (12-09), 87 (05-05), 88 (09-07) & 139 (11-08) situated in the Revenue Estate of Village Bahlolpur Khadar, 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').

2. The necessary facts are that a notification under Section 4 read with Section 6 and 17(1) of the Land Acquisition Act, 1894 (old Act) was issued

on 23.06.1989; it included the suit land. The award bearing No. 15/92-93 dated 18.06.1992 was made by the Land Acquisition Collector.

3. The petitioners aver that pursuant to the award neither physical possession of the suit land was taken over by the respondents nor any compensation in respect thereof was ever paid or tendered. 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..

4. The respondent No.1 – Union of India through LAC, in its counter-affidavit, significantly makes the following admission in Para (7) :

“7. That it is submitted that the lands of village Behlolpur Khadar were notified vide Notification under section 4 of the Land Acquisition Act 1894 dated 23.6.1989 which was followed by Notification under section 6 of the said Act vide Notification dated 22.6.1990. That it is submitted that the Land Acquisition Collector also passed an Award bearing No. 15/92-93 dated 18.6.1992. The actual vacant physical possession of the subject land was also taken on 21.4.2006 and handed over to the DDA on the spot by preparing possession proceedings on the spot. It is submitted that however as per statement 'A', the compensation of the said land could not be paid.”

5. It is evident that compensation for acquisition of the suit land was not tendered or paid to the recorded owner(s).

6. The Supreme Court in Pune Municipal Corporation case (supra) dealt with the issue, i.e. as to whether compensation amount has to be actually paid, or deposited. That decision clarified that mere deposit of the amount in the Treasury would not fulfill requirement of Section 24(2) and that there should be a positive step to appropriate the concerned amount and

make it available to the land owner, i.e. by way of payment under Section 31(2) of the old Act, or by deposit of the compensation in Court.

7. As the respondents have not denied that the compensation of the suit land has not been paid, in the present case, the petitioners are entitled to the declaration sought to that extent. Accordingly, it is held that acquisition of suit land in Khasra Nos. 122 min. (00-12), 137(06-06), 32 min. (20-08), 50 (02-17), 83 (12-09), 87 (05-05), 88 (09-07) & 139 (11-08) vide award No. 15/92-93 dated 18.06.1992 is deemed to have lapsed by virtue of Section 24(2) of the Act.

8. The writ petition is allowed in the above terms. Pending application also stands disposed of.

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

**S. RAVINDRA BHAT
(JUDGE)**

JULY 17, 2017 / tr