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

DECIDED ON : 16th AUGUST , 2017

+ **W.P.(C) 2733/2015 & CM APPL.4902/2015**

NIDHI SINGHAL Petitioner

Through : Mr.Rajesh Yadav with Mr.Sunil
K.Goel, Mr.Lalit Rawal and
Mr.Siddharth Gupta, Advocates.

versus

GOVT OF NCT OF DELHI & ORS. Respondents

Through : Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
L&B/LAC.
Mr.Sanjeev Sabharwal, Standing
Counsel for DDA with Ms.Ridhi
Suman, Advocate.

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. In the instant writ petition, the petitioner claims herself to be recorded owners of the land of Khasra No.37/6 measuring 10 biswas (0-10) situated in Village Pehladpur Bangar. The petitioner's claim is that acquisition of her land (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 the suit land along with several others has been acquired for the purpose of 'Planned Development of

Delhi'. A notification under Section 4 of the Land Acquisition Act, 1894 (old Act) was issued on 21.03.2003; this was followed by a declaration under Section 6 on 19.03.2004. The acquisition proceedings culminated in Award bearing No.06/2005-6/DC dated 12.07.2005 which assessed the acquired lands to compensation.

4. The petitioner claims for the relief in this case on account of her contention that she acquired the title/ownership rights in respect of the suit land, sometimes in 2010. The petitioner relies upon General Power of Attorney dated 11.03.2010; this instrument recites inter-alia that one Shyam Ji, constituted the petitioner as Power of Attorney. In turn it is stated that one Surender Kumar Sharma s/o Hukam Chand had nominated Shyam Ji as his attorney in respect of the suit land. This was preceded by another Power of Attorney and alike document evidencing that Bharat Bhushan had the Power of Attorney likewise. The petitioner also relies upon a Will made by Surender Kumar Sharma to have been the original recorded owner. It is contended on strength of this document that the petitioner is lawful owner and therefore is entitled to maintain the present proceedings having regard to the fact that neither was compensation deposited in respect of the suit land nor was the petitioner dispossessed pursuant to the award.

5. The Court notices at the outset that all the documents relied upon by the petitioner were unregistered and purported to be title document conferring some manner of interest. *Per se* they cannot convey any title or interest. Furthermore, the petitioner claims to be a subsequent owner through alike documents executed after the passing of the Award. None of the documents – at least executed subsequent

to the Award disclosed that the lands were subject to acquisition or that the petitioner or other predecessor(s) were entitled to compensation. One of the essential principle requisite for claiming that Section 24(2) applies is the right to receive compensation. In the present case, the Court is unable to grant relief sought.

6. In similar circumstances, this Court has occasion to decline relief where the predecessor premised arguments on unregistered document. In *Sunil vs. Union of India & Ors.* [(W.P.(C) 8907/2015] decided on 17.07.2015 stated as follows.

“The petitioner’s father allegedly purchased the suit land in question from one Harkesh in 1992 on the basis of GPA, Agreement to Sell, Will etc. The petitioner or his father never got the property mutated in their names. Nothing is on record to infer if any intimation was ever given by the petitioner or his father to the concerned authorities regarding purchase of the property in question. These documents i.e. GPA, Agreement to Sell, etc. even are not registered. The petitioner has not placed on record any cogent or credible document to show if Harkesh from whom the property in question was purchased was the recorded owner of the suit land.”

7. For the above reasons, no relief can be granted. The writ petition is dismissed. All pending application(s) also stand disposed of.

S. RAVINDRA BHAT
(JUDGE)

S.P.GARG
(JUDGE)

AUGUST 16, 2017 / sa