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

% *Date of Judgment: 04th December, 2017*

+ W.P.(C) 3117/2015

ABDUL WAHAB (DEAD) THR LRS. & ORS. Petitioners
Through: Mr. S.K. Rout, Mr. Chirag Sharma
and Mr. N. U. Ahmed, Advs.

versus

GOVT OF NCT OF DELHI & ORS. Respondents
Through: Mr. Siddharth Panda, Adv. for R-1 to
3 (L&B/LAC)
Ms. Akshita, Adv. for DDA

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V.KAMESWAR RAO

G.S.SISTANI, J. (ORAL)

1. This is a petition under Article 226 of the Constitution of India filed by the petitioner seeking a declaration that the acquisition proceedings with respect to the land measuring 23 bigha 7 biswa, wrongly typed as 20 bigha 67 biswa in the writ petition, situated in the revenue estate of village Hauz Rani, Tehsil – Mehrauli, Delhi stands lapsed.
2. It is the case of the petitioner that a notification under Sections 4, 6 and 17 of Land Acquisition Act, 1894 was issued on 16.10.1980. It is also the case of the petitioner that compensation has not been paid and accordingly the petitioner is entitled to the benefit under Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Counter affidavit has been filed. As per the counter –affidavit, not only the compensation has been paid and possession has been taken over, but the petitioner has also filed a petition under Section 18 of the Land Acquisition Act, 1984 seeking enhanced compensation. Thus, the stand of the petitioner that no compensation has been paid cannot be accepted.
4. Para 7 of the counter–affidavit filed by the LAC reads as under :-

“7. That in the present case, the possession of the land of the petitioner was taken over and handed over to the beneficiary department 20.11.1980 and compensation was also paid to the recorded owners on 08.07.81 and some amount of the compensation was sent in RD. It is pertinent to mention here that a reference under Section 18 with respect to the above said khasra was also forwarded to the Court of ADJ. The petitioners have also filed appeal before this Hon’ble Court seeking further enhancement of the compensation. It is further humbly submitted that the Section 24 (2) has been amended by the Ordinance, 2014 and as per the new inserted proviso, deposit of compensation amount in any account maintained for this purpose will be taken as valid deposit by the Government. Thus, deposit of compensation amount in RD in consonance with the new proviso.”
5. At this stage, counsel for the petitioner admits that compensation has been paid, a reference under Section 18 was made and an order of enhanced compensation has been passed and resultantly, no relief can be granted to the petitioner for grant of enhanced compensation. Mr. Rout complains that despite there being an order of enhanced compensation, the enhanced compensation has not been released in favour of the petitioner and he prays for a direction to the LAC to release the enhanced compensation.

6. We have heard the learned counsel for the parties.
7. We find no ground to entertain this petition as compensation stands paid to the petitioner, possession has been taken over and moreover, the petitioner had sought enhanced compensation.
8. While writ petition is dismissed being without any merit, we hope that if the enhanced compensation has not been paid, the same would be paid in favour of the petitioner within three months from today.

C.M. Appl. No. 5558/2015

9. The application is disposed in view of the order passed in the writ petition.

G.S.SISTANI, J

V. KAMESWAR RAO, J

DECEMBER 04, 2017

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