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

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Judgment delivered on: 27.03.2017

+ W.P.(C) 6983/2011

N I H F W

..... Petitioner

versus

THE LT.GOVERNOR OF DELHI & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Manoj Singh, Advocate.

For the Respondents : Mr. Sanjay Kumar Pathak with Mr. Kushal Raj Tater,
Advocates for respondent No.1.
Mr. Dhanesh Relan with Ms. Akshita Manocha Adv.
For Resp.2

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

27.03.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner, by the present petition seeks a direction to the respondents to handover the possession of land measuring 0.82 acres comprising in Khasra Nos.849/2 and 850/2, village Mohammadpur, Munirka, New Delhi.

2. It is contended that the petitioner was allotted land measuring 32 acres of land in the year 1965. Possession of land measuring 28.19 acres were handed over on 07.07.1967. Thereafter, some more land was handed over during the period 1967 to 1977. Accordingly, the petitioner came into possession of 31.18 acres out of 32 acres of land.

3. It is submitted that Possession of 0.82 acres of land still remains to be handed over to the petitioner. Petitioner has paid the entire consideration for the 32 acres of land, which was allotted to the petitioner. On account of certain litigations and other reasons, the possession of the land measuring 0.82 acres was not handed over to the petitioner.

4. It is contended that the petitioner seeks 0.82 acres of land contiguous to 31.18 acres of land already allotted to the petitioner. The petitioner has already set up their institute on the said land and the remaining 0.82 acres of land is required for completing the entire project of the petitioner, which is being held up on account of non-handing over of the possession of 0.82 acres of land. It is submitted that the said parcel of land is very urgently required for the purposes of completing the project and raising constructions thereon.

5. Learned counsel appearing for the respondent No.1 submits that the acquisition, in respect of 0.82 acres of land, has lapsed in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act') and has been so declared by judgment dated 16.09.2014 in WP(C) 3062/2014 titled **Kartar Singh vs. Union of India & Anr.**

6. It is submitted that the respondent had filed an appeal against the said judgment before the Supreme Court by filing a Special Leave Petition numbered as SLP(C) 14702/2015 (Civil Appeal No.11856/2016). It is submitted that the appeal filed by the respondent has been dismissed. However, the Supreme Court has granted the respondent a period of one

year to exercise its right under Section 24(2) of the Act for initiation of acquisition proceedings afresh. It is submitted that in terms of the liberty granted, the respondents are taking appropriate steps.

7. Since, the acquisition, in respect of land, possession of which the petitioner is seeking, already stands lapsed, no directions can be issued to the respondents to handover possession of the said land at this stage. However, since the Supreme Court has already granted liberty to the respondents to initiate acquisition proceedings afresh under Section 24(2) of the Act, the respondents are directed to expedite the process in terms of the liberty granted to the Supreme Court by order dated 29.11.2016 in the above referred SLP. The petitioner shall also aid and assist the respondents in taking steps in accordance with the liberty granted by the Supreme Court.

8. In view of the above, the writ petition is disposed of reserving liberty of the petitioner to initiate fresh proceedings, in case, the respondents do not initiate the acquisition proceedings afresh or fail to handover possession of the land to the petitioner after re-acquiring the same.

9. The writ petition is, accordingly, disposed of in the above terms, with the aforesaid liberty to the petitioner.

SANJEEV SACHDEVA, J

MARCH 27, 2017
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