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

+ W.P.(C) 5571/2014

WAKILD CHAND & ORS Petitioners
Through: Mr. S.P. Singh Rathore, Adv.

versus

LAND ACQUISITION COLLECTOR Respondent
Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE S.P.GARG

ORDER
17.07.2017

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1. The petitioners seek a direction that the respondent should release compensation in respect of 309 bighas of land along with 24% interest.
2. The brief facts of the case are that the acquisition proceedings commenced on 13.11.1959, for which a declaration was made on 03.03.1964 and which culminated in an award (28-B/1970/1971). These included lands belonging to late Khacheru Singh and Inder Singh i.e. the petitioners' predecessors in interest. It was stated that some others whose lands were also acquired by the Government moved an RFA No.3/1972 which was disposed of on 09.04.1996 resulting in enhancement of compensation. According to the petitioners/their predecessors, compensation was paid only in respect of 76 bighas out of the entire extent acquired and

compensation for 309 bighas was left out. In these circumstances, an application was moved by the petitioners before the Additional District Judge under Sections 151/153 CPC for correction to include the areas allegedly left out. The application was dismissed on 18.07.2008. The petitioners had moved an application before this Court against that order which was dismissed on 02.02.2012. Their effort to seek relief by moving the Supreme Court was also declined when SLP No.20557/2012 was dismissed. In these circumstances, they have approached this Court once again under Article 226 for similar relief.

3. The Court is of the opinion that notwithstanding the fact that notice was issued earlier, in the nature of an enquiry to assess whether the lands were left out or part of the award was continued or not in appropriate proceedings i.e. in the first round by the Collector and thereafter by the Reference Court, and in the second round through the application under Sections 151/153 which was later affirmed by this Court and against which the petitioners' made efforts with no success before the Supreme Court; the petitioners cannot claim the same relief – as it is barred by *res judicata*.

The writ petition is therefore dismissed.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 17, 2017
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