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

DECIDED ON : JULY 17, 2017

+ **W.P.(C) 4664/2016 and CM APPL.19374/2016**

RAJESHWARI

..... Petitioner

Through : Mr.Lalit Rawal with Mr.Sunil K.Goel,
Advocates.

versus

GOVT.OF NCT OF DELHI & ORS.

..... Respondents

Through : Mr.Arjun Pant, Advocate, for DDA.
Mr.Yeeshu Jain, Standing Counsel with
Ms.Jyoti Tyagi, Advocate for
L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

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

1. The petitioner seeks declaration that the acquisition of land in Khasra No.255/2, (5-16) & 271/2 min (0-14) measuring 6 bighas and 10 biswas having 1/6th share measuring 1 bigha and 02 biswas situated in the Revenue Estate of Village Ghonda Gujaran Khadar, Shahdara has lapsed under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

2. The petitioner avers that her father-in-law Prahlad Singh was the recorded owner of the suit land and he has since expired. Thereafter, her husband Babu Ram died intestate on 7.3.2010 and she is one of legal heirs of the deceased Babu Ram. A Notification under Section 4 of the Land Acquisition Act was made on 23.09.1989. It included the suit land. Notification under Section 6 of the Old Act was made on 20.06.1990. Award bearing No.8/1992-93 was made thereafter on 19.6.1992.

3. The petitioner claimed that only symbolic possession of the suit land was taken over by the respondents; its physical possession was never taken. No compensation, whatsoever, was paid to the land owners.

4. Para No. 6, 7, 8 & 9 of the counter affidavit filed by the respondents read as under:

6. That Khasra No. 255/2(5-16) & 271/2(0-14) total admeasuring 6 bigha 10 biswa situated at the revenue estate of village Ghonda Gujran Khadar was notified under section 4 of Land Acquisition Act on 23.6.1989 followed by declaration under section 6 of Land Acquisition Act on 20.6.1990 for public purpose namely for Planned Development of Delhi. In pursuance of said notification, notices under section 9 & 10 of the Act, were issued to the interested persons, inviting the claims from all the interested persons and claims were also filed by the interested persons. The than Land Acquisition Collector passed Award No. 8/1992-93 dated 19.6.1992 after considering the claims of the claimants.

7. That in the present case, the possession of the all the above mentioned land was taken over and handed over to the beneficiary department on 21.3.2007.

8. It is respectfully submitted that the compensation was not received by the petitioner however the compensation of the same khasra No. has been received by the co-owners.

9. That it is humbly submitted that in the present case provisions of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 would not be applicable as the possession of land in question has already been taken over by the Government and handed over to the beneficiary department and compensation has already been paid to major chunk of land. Thus, the land is free from all encumbrances whatsoever.

5. It is evident that the possession of the suit land has been taken on 21.03.2007. Compensation is stated to have been received by the co-owners.

6. The petitioner has not placed on record any document to show as to how and to what extent the suit land had fallen into her share. It was never mutated in her name or in the name of her husband. Names of all the legal heirs of the deceased – Prahlad Singh or co-owners have not been disclosed. It is also not claimed if compensation has not been received by the legal heirs of deceased Prahlad Singh.

7. The petitioner did not move the respondents any time to claim compensation for acquisition of suit land. Khatauni of village Ghonda Gujran Khadar, Shahdara on record pertains to the year 1976-77. In this Record, name of the petitioner or her husband does not find mention.

8. Considering the above facts, apparently the petitioner has no locus to seek declaration under Section 24(2) of the Act.

9. The petition is dismissed. All pending application(s) also stand disposed of.

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

**S. RAVINDRA BHAT
(JUDGE)**

JULY 17, 2017/sa

