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

DECIDED ON : 24th JULY , 2017

+ **W.P.(C) 5046/2016 & CM APPL. 21098/2016**

DAMINI WADHWA Petitioner

Through : Mr.M.P.Bhargava, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through : Mr.Yeeshu Jain, Advocate appearing
for Mr.Siddharth Panda, Advocate for UOI.

Mr.Yeeshu Jain, Standing Counsel with Ms.Jyoti
Tyagi, Advocate for L&B/LAC.

Mr.Dhanesh Relan, Standing Counsel with Ms.Isha
Garg, Mr.Harshit Manaktala & Ms.Gauri
Chaturvedi, Advocates for DDA.

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 acquisition of land in Khasra Nos. 932/612 (0-8) and 937/614 (1-18) situated in the Revenue Estate of Village Maidan Garhi, Tehsil, New Delhi with respect of 6 biswas of land along with Gram Sabha and common land rights out of total 2 bighas and 6 biswas of 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').

2. The necessary facts are that a notification under Section 4 of the Land Acquisition Act, 1894 (old Act) was issued on 25.11.1980; it included the suit land. A declaration was issued under Section 6 on

18.06.1985. The award bearing No.23/87-88 dated 17.06.1987 was made by the Land Acquisition Collector.

3. The petitioner avers that she is owner in possession of the suit land. It was purchased by her from Col.Mahendra Pratap vide Agreement to Sell and General Power of Attorney dated 06.09.2006. Possession of the suit land was never taken over by the respondents; she was not paid or tendered any compensation.

4. The Govt. of NCT of Delhi through LAC, in its counter-affidavit, states in Para (8) :

“8. That in the present case, the possession of the above said land was taken over on 16.07.1987 and handed over to the beneficiary department. Further, as per Statement “A” payment have been made as under :-

NAME	AWARD NO.	AMOUNT	REMARKS
CHANDER SINGH	23/87-88	83292.99	PAID VIDE CH. NO.82526 DT. 14.09.87
KARTAR SINGH	23/87-88	83292.99	PAID VIDE CH.NO.82523 DT. 14.09.87
DHANIRAM	23/87-88	83293	PAID VIDE CH.NO.82528 DT.14.09.87

5. It is evident from the counter-affidavit that the possession of the suit land has already been taken over on 16.07.1987. The compensation has also been paid to the recorded owners. The details of the individuals to whom the compensation has been given has been mentioned therein. The petitioner has placed on record copy of Khatauni (Annexure ‘P6’) where Chander Singh, Kartar Singh and Dhaniram have been shown as recorded owners. Apparently, they

were the individuals to whom the compensation was tendered / paid. The petitioner is a subsequent purchase on the basis of Agreement to Sell and General Power of Attorney dated 06.09.2006. Nothing is on record to show if the suit land was ever mutated in her name. The petitioner never intimated or informed the revenue authorities regarding purchase of the property. These documents i.e. Agreement to Sell and General Power of Attorney do not confer any ownership right *per se*. The petitioner had no right to collect any compensation on behalf of the recorded owners particularly when the necessary compensation had already been given to them. The petitioner has also not placed on record any credible document to show if the individual Col. Mahendra Pratap from whom the suit land was allegedly purchased on 06.09.2006 was the recorded owner in the revenue records.

6. The petition is devoid of merits and is dismissed. Pending application also stands disposed of.

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

**S. RAVINDRA BHAT
(JUDGE)**

JULY 24, 2017 / tr