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

% *Date of Judgment: 13th November, 2017*

+ W.P.(C) 6234/2016

RAJIV AGRO PRIVATE LIMITED & ANR Petitioners

Through Mr.Akshay Ringe, Mr.Anupam Singh
& Mr.Siddharth Joshi, Advs.

versus

LT. GOVERNOR & ORS Respondents

Through Mr.Nawal Kishore Jha, Adv. for DDA
Mr.Sanjay Kumar Pathak, Mr.Sunil
Kumar Jha, Mr.Kushal Raj Tater,
Advocates for R-1, R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE V. KAMESWAR RAO

G.S.SISTANI, J. (ORAL)

1. With the consent of counsel for the parties, present writ petition is set down for final hearing and disposal.
2. This is a petition filed under Article 226 of Constitution of India by the petitioners seeking a direction that the acquisition proceedings in respect of land measuring 57 bighas and 17 biswas comprised in Khasra nos.725, 726, 750, 753, 754, 755, 758, 759, 760, 761, 762, 764, 765, 767, 820, 822 & 827, situated in the revenue estate of village Malikpur Kohi @ Rang Puri, Delhi (hereinafter referred to as the 'subject land'), to have lapsed in view of Section 24 (2) of the Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 (hereinafter referred to as 'New Act').

3. Learned counsel for the petitioners submits that in this case notifications under sections 4 and 6 of Land Acquisition Act, 1894 (hereinafter referred to as the 'Old Act') were issued on 27.06.1996 and 24.06.1997 respectively. An award bearing no.7/98-99/SW was made on 22.06.1999. It is the case of the petitioners that neither physical possession of the subject land was taken nor compensation paid to the petitioner. Counsel submits that the case of the petitioner is fully covered by the decision rendered by the Supreme Court of India in the case of ***Pune Municipal Corporation & Anr. v. Harakchand Misirimal Solanki & ors., reported at 2014 3 SCC 183.***
4. Counter affidavit has been filed by the LAC. Learned counsel appearing on behalf of the LAC submits that compensation with respect to the subject land could not be paid. Para 9 of the counter affidavit filed by LAC reads as under :-

“9. That as regards possession, it is humbly submitted as per the possession proceedings report, possession of total acquired land comprised in Khasra Nos.725(4-08), 726(4-16), 750(3-00), 753(4-16), 754/1(2-08), 754/2(2-08), 755/1(2-08), 755/2(2-08), 758(4-16), 759(4-16), 760(4-16), 761 (2-03), 762 (4-02), 764(4-02), 765(4-02), 765(4-02), 767(6-14), 820/1(2-08) and 820/2(2-08), was taken on 31.12.2013. So far as possession of Khasra No.822 and 827 are concerned, it is humbly submitted that possession has not been taken. So far as compensation is concerned, the compensation amount had not been received from requisitioning authority and thus, the compensation amount could not be paid to the interested persons.”
5. We have heard learned counsel for the parties. Taking into consideration the fact that compensation with regard to subject land

could not be paid, the case of the petitioner is fully covered by the decision rendered by Supreme Court of India as well by this Court in the following cases :-

- (i) ***Pune Municipal Corporation & Anr. v. Harakchand Misirimal Solanki & ors., reported at 2014 3 SCC 183;***
- (ii) **Union of India and Ors v. Shiv Raj and Ors., reported at (2014) 6 SCC 564;**
- (iii) **Sree Balaji Nagar Residential Association v. State of Tamil Nadu and Ors, Civil Appeal no.8700/2013 decided on 10.09.2014;**
- (iv) **Surender Singh v. Union of India & Others, W.P.(C).2294/2014 decided on 12.09.2014 by this Court; and**
- (v) **Girish Chhabra v. Lt. Governor of Delhi and Ors; W.P.(C).2759/2014 decided on 12.09.2014 by this Court.**

6. Resultantly, the writ petition is allowed. The acquisition proceedings initiated under the Land Acquisition Act, 1894 with regard to the subject land are deemed to have lapsed. It is so declared.

CM No.25540/2016

7. The interim order dated 21.07.2016 is confirmed.
8. Application stands disposed of.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 13, 2017/ck