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

+ W.P.(C) 7152/2016 & CM APPL. 29427/2016

RAJU BIDHUDI

..... Petitioner

Through : Mr.Ram Kumar, Advocate with
Mr.R.B.Sisodia & Mr.Sushil Kumar, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through : Mr.Siddharth Panda, Advocate for R1 & R2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **07.07.2017**

The respondents seek liberty to place on record counter-affidavit.
Liberty granted. Counter-affidavit is hereby taken on record.

The petitioner's grievance is that acquisition of land (Khasra No.273 (3-13) to the extent of 1/6th share) revenue estate of Village Jasola, by notification dated 06.04.1964 has lapsed in view of the Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred as 'The Act').

The brief facts of the case are that after publication of notification on 06.04.1964 under Section 4 Land Acquisition Act; a declaration under Section 6 was issued on 07.12.1966. It is not disputed by the parties that notices under Sections 9 & 10 were issued to interested persons inviting claims. Eventually this led to an award on 31.10.1998. The award noticed that constructed and built up properties existed at Site. The petitioner's contentions that despite the publication of award, neither was compensation tendered to him nor was possession ever taken of the suit land.

The respondents who appear before the Court in the affidavit of concerned Land Acquisition Collector Sh.Rajiv Singh, do not dispute if any compensation was ever tendered. The averments in the counter-affidavit in this regard are as follows :

“6. That the land in question i.e. Khasra No.273 (3-13) (petitioner is claiming 1/6th share), situated at the revenue estate of village Jasola, New Dehi was notified under section 4 of Land Acquisition Act on 06.04.1964 followed by declaration under section 6 of Land Acquisition Act on 07.12.1966 for Planned Development of Delhi. In pursuance of said notification, notices under section 9 & 10 as provided under 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 then Land Acquisition Collector passed Award No. 6B/Suppl./81-82 dated 31.10.1998 after considering the claims of the claimants.

7. That in the present case, possession of the above said land was not taken over due to built up and as per Statement ‘A’ compensation was also not paid to the recorded owner.”

In view of the above statement / according to this Court, the acquisition of the suit land, is deemed to have lapsed by operation of Section 24(2) of the Act. A declaration to that effect is therefore made. The writ petition is allowed in the above terms. Pending application also stands disposed of.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 07, 2017 / tr