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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3615/2017 & CM No.15864/2017

RAJPAL AND ANR

..... Petitioners

Through : Mr.Mahmood Hasan, Adv.

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr.Yeeshu Jain, standing counsel
with Ms.Jyoti Tyagi, Adv. for
L&B/LAC
Mr.Pawan Mathur, standing counsel
for DDA

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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28.04.2017

The petitioner claims to be the grandson of Late Hari Singh owner of Khasra No.580/196, revenue estate, village Khichripur, Delhi. The relief claimed in these proceedings is for a declaration that the acquisition of the said land has lapsed because of non-compliance of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is contended that the petitioners are in possession of the lands and that in any event the compensation was never paid to the original owner i.e. the father Late Hari Singh.

The material placed on record with the petition is an award No.28B/70-71, which mentions about the notification dated 13.11.1959 and the declaration under section 6 dated 20.06.1966; the land was acquired vide above award. The petitioners claim is placed upon the Will of 18.01.2017, of which recounts the previous ownership of Late Hari Singh. However, they no doubt assert that they are in possession and that compensation was never paid. Curiously however neither of these facts is mentioned in the Will which could have been the best evidence in support of the claim. If indeed Late Hari Singh had not been compensated or the amounts determined were not tendered to him, the claim would have been part of his estate. Likewise the fact that the lands were notified and were subjected to acquisition has been omitted in the Will. Besides the Will there is no other evidence to show that petitioners are in possession. In these circumstances the declaration sought cannot be granted. The writ petition and pending miscellaneous application are dismissed.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

APRIL 28, 2017
VLD