

\$~17

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

+ **W.P.(C) 4290/2015, C.M. APPL.7781/2015**

NAFE SINGH & ANR

..... Petitioners

Through : Sh. Nicholas Choudhury, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Sh. Prasanta Varma, Senior Central
Government Counsel with Ms. Prativa Varma,
Advocate, for Respondent No.1.

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

Sh. Sanjeev Sabharwal, Standing Counsel, for
DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

%

02.05.2017

The petitioners seek declaration that the entire acquisition along with Award No.14/2005-06 made on 17.08.2005 as lapsed, urging that neither compensation has been paid nor actual physical possession taken of the suit lands, i.e. Khasra Nos.17/1 (4-16), 2(4-16), 3/2(2-6), 9(4-16), 10(4-16), total measuring 21 Bighas 10 Biswas, situated in the revenue estate of Village Pansali, Delhi.

In the present case, the respondents notified the lands, including the petitioners' suit lands for acquisition for the purposes of the Rohini Residential Scheme. These lands became the subject matter of

the Award, 14/2005-06, made on 17.08.2005. Arguing that with the advent of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*, the acquisition had lapsed, the petitioners approached this Court.

The respondents, in their counter affidavit contend that the reliefs claimed cannot be granted because possession was taken on 23.11.2005 that the petitioner had received the compensation determined on 16.12.2005 (through cheque nos.577554-55).

There is a general denial about the taking-over of the compensation in rejoinder affidavit. However, there is no such denial in the collection of compensation. Rather, the petitioners allege that it was taken under protest. The Court further notices that the petitioner has sought reference under Section 18 of the Land Acquisition Act, 1894.

Having regard to the totality of the circumstances and the fact that there is no specific denial with respect to taking-over of possession and furthermore that the petitioner does not dispute having collected the compensation in this case, the Court feels that the relief claimed, i.e. declaration that the acquisition is lapsed, cannot be granted. The writ petition is accordingly dismissed along with the pending application.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

MAY 02, 2017/ajk