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

+ W.P.(C) 8404/2014 & CM APPL. 19448/2014

DHARAMVIR SINGH & ORS

..... Petitioners

Through: Mr. Anuroop P.S., Adv.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, Standing
Counsel, Adv. for DDA

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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10.07.2017

Petitioners claim that the acquisition of their lands (hereinafter 'suit lands') in Village Bahlolpur Khadar, Delhi, Khasra No. 24min.(1-13),25(1-12),27/1(1-4), 28/1(0-16) has lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 (hereinafter called the 'Act').

The necessary facts are that a notification Under Section 4 of the Land Acquisition Act, 1894 (Old Act) was issued on 13.11.1959; it included the suit land. A declaration was issued under Section 6 of the old Act on 08.12.1966.

After considering the rival submissions and the material led before him, the Land Acquisition Collector made an Award being No. 44/82-83. Apparently, physical possession of the land was taken over on two different dates in 1985 and 1996. The petitioners complain that despite being dispossessed, the compensation assessed, in respect of suit lands, was never given and consequently, relying upon '*Pune Municipality Corporation versus Harakchand Misirimal Solanki*', 2014 (1) SCC 183, it is stated that acquisition has lapsed since five years period indicated in that provision has ended.

The Government of NCT of Delhi through LAC in its counter affidavit significantly makes the following admission:

“4. That it is submitted that the lands of village Behlolpur Khadar were notified vide Notification under section 4 of the Land Acquisition Act 1894 dated 13.11.1959 which was followed by Notification under section 6 of the said Act vide Notification dated 8.12.1966 and the then Land Acquisition Collector also passed an Award bearing No. 44/82-83. The actual vacant physical possession of the land measuring 10 bigha 9 biswa falling in khasra number 23 (2-06), 24 (2-13), 25 (1-12), 26 (1-18), 27 (1-04) & 28/1 (0-16) in village Behlol Pur Khadar was duly taken on the spot on 29.4.1985 and 17.09.1996 respectively and handed over to the DDA on the spot by preparing possession proceeding. The petitioners have different shares in the subject land and the petitioners have admitted the land has been utilized by the Government for bus depot. It is however submitted that as per Naksha Muntazamin, the compensation of the subject land could not be paid.”

It is evident that the claim for acquisition of the suit land has lapsed as fully substantiated by the respondent's stand based upon their records. Though, compensation was assessed, the petitioners were never paid it. Consequently, a declaration is issued that the acquisition of the suit lands by way of notification dated 13.11.1959 and further declaration under Section 6 are deemed to have lapsed in the suit land.

The writ petition is allowed in the above terms.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 10, 2017/P