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

+ **W.P.(C) 7997/2016 & CM No.33133/2016**

PREM RANI

..... Petitioner

Through: Ms. Gayatri Aryan, Adv.

versus

GOVT OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sanjay Kumar Pathak with
Mrs. K. Kaomudi Kiran Pathak, Mr. Sunil Kumar
Jha & Mr. Kushal Raj Tater, Advs. for R-1.
Mr. Rahul Bakshi, Adv. for R-2/DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

12.09.2017

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1. Counsel for the respondent/LAC seeks liberty to place on record the counter affidavit. Liberty granted. Counter affidavit is taken on record.
2. Petitioner seeks a declaration that the suit lands i.e. 2000 sq. yds. forming part of khasra No. 731, M.B. Road, Lal Quan, Village Tughlakabad, Delhi are free from acquisition by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter referred to as "the Act").
3. In this case, notification under Section 4 of the Land Acquisition Act, 1894 was issued on 10.11.1960 followed by a notification under Section 6 on 04.01.1969. The award in respect of the acquired lands was made on 19.09.1986.

4. In its counter affidavit, the Land Acquisition Collector (LAC) states as follows:

“7. That as regards possession and compensation it is humbly submitted that as per possession proceeding report possession of subject land comprised in Khasra No.731 (8-09) was not taken due to stay of dispossession. So far as compensation amount is concerned, it is humbly submitted that as per Statement “A” compensation disputed and sent to R.D. on dated 19/03/1987. As per Naksha Mutzamin Owner at (1) Shumar No.11 Des Raj s/o Khem Chand, Share 10/169, (2) Shumar No.12 Dev Raj s/o Khem Chand, Share 10/169, (3) Shumar No.13 Inder Pal Singh s/o Har Prasad, Share 38/169, (4) Shumar No.14 Prem Rani d/o Bakshi, Share 40/169, (5) Shumar No.15 Ram Kishan Dass s/o Bhagwan Dass, Share 30/169, (6) Shumar No.16 Bishan Singh, s/o Kala Singh, Share 20/169, (8) Shumar No.17 Trilochan Singh s/o Dalip Singh, Share 20/169 in Khasra No.731 (08-09).”

5. It is also evident that compensation is not paid as far as the suit lands i.e. 2,000 sq. yds. in khasra No.731, Village Tughlakabad are concerned. For the above reasons, since neither compensation has been paid nor possession has been taken, the petition has to succeed.

6. A declaration is therefore issued that acquisition of the said lands has lapsed by reason of Section 24(2) of the Act.

The writ petition is allowed.

S. RAVINDRA BHAT, J

SEPTEMBER 12, 2017/kks

SUNIL GAUR, J