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

+ W.P.(C) 8106/2016 & CM 33575/2016

BRIG. DEEPAK BATRA & ANR Petitioners

Through: Mr. N.S. Vasisht with Mr. M.P.
Bhargava, Advocates

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Rudresh Jagdish, Advocate for
Mr. Vaibhav Agnihotri, Advocate for DDA

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

19.09.2017

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Petitioners seek a declaration that the lands acquired by the respondents i.e. Khasra No.613, situated in revenue Estate of Village Maidan Garhi, NCT of Delhi, is free from acquisition by virtue of Section 24 (2) *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* (hereinafter referred to as 'the Act of 2013').

The respondent No.5-LAC/L&B in its counter affidavit to the writ petition states as follows: -

"5. That the present writ petition is liable to be dismissed as the petitioners tried to get the subject land purchased through Agreement to Sell" executed on 15.12.1995 whereas the Award No. 23/87-88 came to be passed much earlier and the recorded owners even received the compensation in the year 1987 itself as the actual vacant physical possession of the subject land was duly taken on the spot on 16.7.1987 and was handed over

to the DDA on the spot by preparing possession proceeding on the spot. The compensation for the undivided share for the said land for a sum of Rs. 4,55,225/- have been paid to recorded owners namely Bhim Singh vide cheque number 81084 dated 10.9.1987, Rs. 151741.68 each in the name of Hukum Chand, Bhaan Singh and Mehar Singh respectively vide cheque numbers 81010, 81020 and 81029 dated 31.8.1987 respectively. As far as return of the awarded amount is concerned by the petitioner to the answering respondent, it is submitted that the records available in the acquisition branch does not reveal that the compensation amount was ever returned to the answering respondent. Thus, the petitioner be directed to produce proof of return of compensation amount.”

This Court notices that even the writ petitioners have admitted as to the payment of compensation in the grounds urged in support of these proceedings, but at the same time contend that it was returned back. Having regard to the admitted position that compensation was received, the occasion for its return in terms of any provisions of the law does not arise. The possession too was taken much before the commencement of the 2013 Act.

In these circumstances, the claim cannot succeed. The writ petition alongwith pending applications is dismissed.

**S. RAVINDRA BHAT
(JUDGE)**

**SUNIL GAUR
(JUDGE)**

SEPTEMBER 19, 2017

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