

\$~26

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

+ W.P.(C) 5096/2015& CM No.9232/2015

NIYAMAT ALI AND ANR. .... Petitioners  
Through Mr.Maldeep Sidhu, Adv.

versus

GOVT. OF N.C.T. OF DELHI AND ORS. .... Respondents  
Through Mr.Siddharath Panda, Adv. for LAC.

Mr.Dhanesh Relan, Adv. for DDA.

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

% **16.05.2017**

1. The petitioner seeks a direction under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 that their lands acquired through the notification under section 4 of the Land Acquisition Act in 1965 which culminated in the Award on 1983, have lapsed and become enforceable.
2. The respondent dispute the assertion of the petitioner and submits that in this regard the taking over of possession is undisputed and the only issue which exists regarding the compensation for the petitioner. It is stated that the land acquisition Collector paid compensation to the original owners of the land on various dates i.e. 19.4.1983, 26.4.1983 and 03.6.1983. Averments of the respondents in the counter affidavit are to the following effect:

*“6. That the land in question i.e., Khasra No. 325/2 (2-06), 326 (2-00), 333(4-16) and 336 (4-16) total admeasuring to 13 bighas and 18 biswas situated at the revenue estate of village Pul Pehlad, New Delhi was notified under section 4 of Land Acquisition Act on 23.01.1965 followed by declaration under section 6 of Land Acquisition Act on 13.01.1969 for Planned Development of Delhi. In pursuance of said notification, notices under section 9 & 10 as provided under the Act, were issued to the interested persons, inviting the claims from all the interested persons and claims were also filed by the interested persons. The then Land Acquisition Collector passed Award No. 63/1982-83 dated 31.01.1983 after considering the claims of the claimants. Further, it is pertinent to mention here that 2 bigha 06 biswas have been acquired out of the total land of 2 bigha and 10 biswa of khasra no. 325/2.*

*7. That the possession of the land in question was taken over and handed over to the beneficiary department on 04.03.1983 and handed over to the beneficiary department and compensation was also paid to the recorded owner namely Vijay Kumar Aneja S/o Nand Lal 'Aneja, Satish Kumar S/o Malik Hans Raj Batra, Promod Kumar Khanna S/o Ram Nath Khanna, Vinod Kumar Khanna, Harbhagwan S/o Malik Ram Kishan, etc. on 19/4/1983, 26/4/1983 and 03.06.1983. The petitioners are not the recorded owners.”*

3. Having regard to the above position, the Court is of the opinion that the relief claimed in these proceedings cannot be granted. The writ petition is dismissed.

**S. RAVINDRA BHAT, J**

**NAVIN CHAWLA, J**

**MAY 16, 2017/vp**