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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5084/2015 C.M. APPL.9204/2015 & 47020/2016**

WALI MOHAMMED & ORS. Petitioners
Through : Sh. S.P. Jha and Sh. Shantanu Sharma,
Advocates.

versus

GOVT OF NCT OF DELHI & ORS. Respondents
Through : Sh. Siddharth Panda, Advocate, for
Respondent Nos. 1 and 2.
Sh. Sanjeev Sabharwal, Standing Counsel, for
DDA.
Sh. Sunil Dahiya, Advocate, for applicants.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% **12.10.2017**

1. The petitioner claims a direction under section 24 of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* [hereafter referred to as “the 2013 Act”] in respect of suit lands – Khasra Nos. 436/297 (measuring 5 bighas 3 biswas) and 437/297 (measuring 4 bighas 17 biswas) in the revenue estate of Village Okhla, Delhi.
2. The facts are that on 04.04.1964, the Govt. of NCT of Delhi (GNCTD) proposed, through a Notification under Section 4 of the *Land Acquisition Act, 1894* [hereafter “the 1894 Act”], to acquire large tracts of land in Village Okhla; the notification also included the

suit lands.

3. The declaration under Section 6 of the 1894 Act was issued on 07.12.1966 and ultimately an Award was made assessing the various acquired lands – including the suit lands to compensation on 24.02.1984.

4. The petitioners rely upon the award to say that they, as well as their father - Ramzani had preferred claims. It is also stated that subsequent revenue documents, such as the *Khasra Girdawari* etc. disclosed that they were in possession. They claim that since compensation was not tendered/paid to them or any other land owner known to them, the acquisition of the suit lands has lapsed even though possession of substantial portions thereof was taken earlier. In support of petitioner's arguments, learned counsel relied upon the judgment in *Govt. (NCT of Delhi) v. Manav Dharam Trust* 2017 (6) SCC 751.

5. Learned counsel for the respondents submits that possession of the suit lands was taken over in 05.11.1985 except to the extent of 1 bigha. It is also pointed-out that in terms of revenue records Smt. Chameli Devi, w/o Ram Kishan Dass is the real owner of the suit property. Except relying upon the claims made before the Land Acquisition Collector (LAC), they have not produced any materials to say that they claim compensation. The judgment in *Manav Dharam (supra)* recognizes that there can be a class of individuals, including subsequent purchasers and others who might fall within the description of "persons interested". Such "persons interested" can

challenge the acquisition process.

6. The question, however, in this case is whether having regard to the facts of this case the land owners are clearly defined in terms of identity and extent as opposed to individuals who merely claimed compensation before the LAC without outlining or disclosing any particulars – the relief of Section 24 of the 2013 Act be granted.

7. In the opinion of the Court, that the petitioner or others in possession at the time of acquisition/initial notification were entitled to challenge the acquisition process *ipso facto* does not translate into their right to claim compensation. In other words, in the absence of any material suggestive of lawful title or lawful occupation, conceding to the petitioners' rights to claim that Section 24(2) operated in respect of a parcel of land, is impermissible. In these proceedings, besides stating and citing *Khasra Girdawari* which again emphasized possession for certain seasons in respect of portions of land, and relying upon the award which mentioned the claim, there is nothing to substantiate that the petitioners had at any point of time lawfully acquired the suit lands in the capacity of tenants or as is alleged, as *bhumidars*.

8. For the above reasons, the relief cannot be granted. The writ petition is accordingly dismissed along with the pending applications.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

OCTOBER 12, 2017/ajk