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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8978/2016**

ANANT RAM & ORS Petitioners
Through : Sh. Aashish Gumber, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through : Sh. Siddharth Panda, Advocate, for
Respondent Nos. 1 and 2.
Sh. Dhanesh Relan and Ms. Akshita Manocha,
Advocates, for DDA.

CORAM:

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

ORDER
09.10.2017

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1. In this case, the petitioners seeks declaration under Section 24(2) 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 ½ share in Khasra nos.535(8-02) and 537 (3-08) of Village Ghonda Gujran Khadar [hereafter collectively referred to as “the suit lands”].

2. The facts are that the suit property along with other lands were notified under Section 4 of the *Land Acquisition Act, 1894* on 24.10.1961; a declaration was issued on 02.09.1966. The acquisition was for the purpose of planned development of Delhi. The Award [No. 9-73/74] was published after consideration of the material on

record and the findings presented before the Land Acquisition Collector (LAC). Apparently possession of the suit lands too was taken on 03.04.1978. It is contended that pursuant to assessment of the market value of compensation, the payment was not tendered to the petitioners/land owners as a result of which by reason of Section 24(2) of the 2013 Act, the acquisition had lapsed.

3. The Appropriate Government, i.e. GNCTD in its counter affidavit pertinently states as follows:

“7. That the possession of the above mentioned land was taken over and handed over to the beneficiary department on 21.06.1973. However, the compensation amount was deposited in RD (Revenue Deposit). The petitioners have admitted that the possession of the land has already been taken over and utilized by the beneficiary department.

8. That it is humbly submitted that in the present case provisions of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 would not be applicable as the possession of the land in question has already been taken. Thus, the acquisition qua the land of the petitioner has attained finality.

9. That it is denied that the Notification after conclusion of the acquisition is any manner unconstitutional and violates the fundamental rights of the petitioner as alleged or otherwise. The rights of the petitioners are subject to the acquisition proceedings. Private right of the petitioners is subject to the larger public interest.”

4. These averments, in the opinion of the Court, do not indicate

any categorical assertion that the payment was, in fact, tendered or made to the petitioner in terms of the law declared by the Supreme Court in *Pune Municipal Corp. & Anr. v. Harakchand Misirimal Solanki & Ors.* (2014) 3 SCC 183. As a result of the statutory interdict in Section 24(2) of the 2013 Act, since the possession was taken more than three decades ago but compensation was not paid in the first instance or tendered to the land owners, the acquisition in this case has clearly lapsed.

5. A declaration to the effect that the acquisition in respect of suit lands, i.e. in respect of ½ share in Khasra nos. 535(8-02) and 537 (3-08) of Village Ghonda Gujran Khadar have lapsed, is, therefore, made. The writ petition is allowed in the above terms.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

OCTOBER 09, 2017/ajk