

\$~18, 19, 20, 24, 25, 28, R-39 & R-43

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

% *Date of Judgment: 2nd November, 2017*

+ W.P.(C) 5393/2015

JAMNA DASS & ORS Petitioners

Through Mr. Aagney Sail, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
L&B/LAC.

Mr. Vikas Sood, Ms. Anusuya Salwan
and Ms. Renuka Arora, Advocates for
DSI IDC.

+ W.P.(C) 5526/2015

DIWAN SINGH & ANR Petitioners

Through Mr. Aagney Sail, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
L&B/LAC.

Mr. Vikas Sood, Ms. Anusuya Salwan
and Ms. Renuka Arora, Advocates for
DSI IDC.

+ W.P.(C) 5673/2015

ZILE SINGH & ORS Petitioners

Through Mr. Aagney Sail, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
L&B/LAC.
Mr. Vikas Sood, Ms. Anusuya Salwan
and Ms. Renuka Arora, Advocates for
DSI IDC.

+ W.P.(C) 7158/2015

CHAND SINGH & ORS

..... Petitioners

Through Mr. Aagney Sail, Adv.
versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
L&B/LAC.
Mr. Vikas Sood, Ms. Anusuya Salwan
and Ms. Renuka Arora, Advocates for
DSI IDC.

+ W.P.(C) 8573/2015

DINESH MATHUR AND ORS

..... Petitioners

Through Mr. Aagney Sail, Adv.
versus

GNCT OF DELHI AND ORS

..... Respondents

Through Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
L&B/LAC.
Mr. Vikas Sood, Ms. Anusuya Salwan
and Ms. Renuka Arora, Advocates for
DSI IDC.

+ W.P.(C) 9367/2015

SURRENDER KUMAR AND ORS

..... Petitioners

Through Mr. Aagney Sail, Adv.
versus

GNCT OF DELHI AND ORS

..... Respondents

Through Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
L&B/LAC.
Mr. Vikas Sood, Ms. Anusuya Salwan
and Ms. Renuka Arora, Advocates for
DSI IDC.

+ W.P.(C) 5383/2015

RAKESH KUMAR & ORS

..... Petitioners

Through Mr. Aagney Sail, Adv.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
L&B/LAC.
Mr. Vikas Sood, Ms. Anusuya Salwan
and Ms. Renuka Arora, Advocates for
DSI IDC.

+ W.P.(C) 5450/2015

ANUP @ ANOOP SINGH

..... Petitioner

Through Mr. Aagney Sail, Adv.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for
L&B/LAC.
Mr. Vikas Sood, Ms. Anusuya Salwan
and Ms. Renuka Arora, Advocates for
DSI IDC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V.KAMESWAR RAO

G.S.SISTANI, J. (ORAL)

1. All the petitioners in these writ petitions filed under Article 226 of the Constitution of India claim benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'New Act'). The lands in respect of which they claim the declaration are located in Village Karala.
2. The petitions were heard individually, but since common issues arise, one common judgment has been delivered.
3. The particulars, such as the names of petitioners, the descriptions of the writ petitions, details of acquired lands(Khasra and other revenue numbers), pertaining to Village Karala, in a tabulated form, are extracted as under:

Sl.No.	WP.(C) No.	Name of petitioner(s)	Khasra Nos. and extent
1.	5393/2015	Jamna S/o Shri Ram(9/16 share), Mayaram S/o Shri Ram(1/16 share), Ravinder Kumar S/o Mahender Singh(1/64 share), Devender Singh S/o Mahender Singh(1/64 share)	Rectangle no.34, Khasra nos.17(4-12), 18(4-12) and 19(4-11), Village Karala
2.	5526/2015	Diwan Singh S/o Shiv Lal Singh(1/2 share), Baljit Singh S/o Shiv Lal Singh(1/2 share)	Rectangle no.10, Khasra nos.20(4-09), 21(4-12), Rectangle no.11, Khasra no.41/2(2-02), 16(4-12), 17(4-16), 18/1(3-00), 25(4-12)

			Rectangle no.16, Khasra no.5(4-12), 6(4-16), 1(4-09) and Rectangle no.17, Khasra no.10(4- 12), Village Karala
3.	5673/2015	Jile Singh S/o Hoshyare (1/2 share), Randhir Singh S/o Tara Chand(1/4 share), Baljeet Singh S/o Tara Chand(1/4 share)	Rectangle no.34, Khasra no.10/2(1- 00), 14/2(2-14) Rectangle no.34, Khasra no.15/2 min(1-14) 16/1(2- 04) Rectangle no.39, Khasra no.6/1 (1016) Rectangle no.40, Khasra no.1/2(4- 04), 10(4-12), Village Karala
4.	7158/2015	Baljit Singh S/o Risal Singh, Chand Singh S/o Risal Singh, Pratap Singh S/o Risal Singh, Jai Prakash S/o Risal Singh (1/6 share each), Narender Singh S/o Balbir(1/12 share), Virender Singh S/o Balbir Singh(1/12 share), Lalit S/o Daya Chand(1/6 share)	Rectangle no.34, Khasra no.20(5-04) Rectangle no.35, Khasra no.7/1(2- 12), 15(4-12),16(4- 16), 24(4-16), 25 (4-16) Rectangle no.38, Khasra no.4/1(4- 00), Village Karala.
5.	8573/2015	Sandeep Mathur S/o Ramesh Chand(1/6	Rectangle no.2, Khasra no.22/2(0-

		share), Suresh Kumar S/o Tara Chand(1/3 share), Smt. Sahab Kaur W/o Naresh Kumar (1/3 share), Dinesh Mathur S/o Ramesh Chand(1/6 share)	08), 23/2(0-08) Rectangle no.11, Khasra no.2/1(3- 12), 3/1((2-17), Village Karala
6.	9367/2015	Umrao Singh S/o Ganeshi (3/8 share), Ishwar Singh S/o Ganeshi (5/24 share), Lakhmi Chand S/o Ganeshi (5/24 share each), Surender Kumar S/o Jai Narayan (5/72 share), Jaswant Singh S/o Jai Narayan(5/72 share), Narender Kumar S/o Jai Narayan(5/72 share)	Rectangle no.33, Khasra no.12/2(2- 13),19(4-05), 22(4- 05), 2(4-05), Village Karala
7.	5383/2015	Rakesh Kumar S/o Rameshwar, Om Prakash S/o Antram (1/2 share each)	Rectangle no.1, Khasra no.23/3(2- 04) Rectangle no.12, Khasra no.3(4-07), 8/1(3-03), 9(4-15) Rectangle no.33, Khasra no.1/2 (0- 19),10(4-09), 11/1 (2-17), Village Karala
8.	5450/2015	Anup @ Anoop Singh S/o Shri Surat Singh	Rectangle no.11, Khasra no.5(4-16) Rectangle no.62,

			Khasra no.11(4-16), 12/2(1-15) 19/2(2-5), 20(4-12), 21(4-16), Villager Karala
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4. Counsel for the petitioners rely on Section 24 (2) of the New Act and seek a declaration that the acquisition proceedings in respect of their lands are deemed to have lapsed. It is the case of the petitioners that although compensation has been paid, but physical possession has not been taken. Reliance has been placed in the case of ***Pune Municipal Corporation & Anr. v. Harakchand Misirimal Solanki & ors.***, reported at (2014) 3 SCC 183.
5. The land acquisition proceedings in the aforesaid batch of cases commenced under the old Land Acquisition Act of 1894(hereinafter referred to as the 'the Act'. A notification under Section 4 of the Act was issued on 25.08.2005 for the acquisition of the land for public purpose, namely, for development of New Industrial Area, admeasuring 1343 bighas and 03 biswas of land in village Kanjhawala; 1774 bighas and 09 biswas of land in village Sultanpur Dabas; 1905 bighas and 05 biswas of land in village Karala; and 30 bighas and 09 biswas of land in village Poothkhurd. Thereafter, a declaration under Section 6 of the Act was made on 10.07.2006 and, ultimately an Award no.3/2008-09 dated 26.05.2008 was passed for the lands in village Karala.
6. The petitioners in this batch of cases had challenged the compensation which was determined by the Collector by filing a reference petition under Section 18 of the Act. During the pendency of the reference petitions, Government floated a Special Rehabilitation Package (SRP)

wherein taking into consideration the general increase in the prices of the land and the inequity of giving compensation based on the procedure followed under the 1894 Act, it was decided that with respect to the land for which the awards were not announced till December, 2007, a special benefit would be given to the people affected.

7. The Special Rehabilitation Package (SRP) reads as under:

**“GOVERNMENT OF NCT OF DELHI
LAND & BUILDING DEPARTMENT
B-BLOCK: VIKAS BHAWAN: NEW DELHI.**

No.F.9(20)/80/L&B/LA/Vol.II/8226-44

Dated: 01-10-2008

ORDER

The government of the NCT of Delhi have taken into consideration the general increase in prices of land and the inequity of giving compensation based on the procedure followed under the Land Acquisition Act, 1894. Therefore, the government have decided to give a Special Rehabilitation Package for the people affected by land acquisition in respect of the cases in which the land acquisition awards have not been announced till December 18, 2007, details of which are:-

1. The amount of compensation effective from December 18, 2007 would be discounted by Rupees 11.80 lakhs per acre per year for those lands which were notified under section 4 for acquisition in 2006 and 2005.
2. Though this Special Rehabilitation Package would involved additional funds for making payment of compensation to the farmers, the amount would be recovered while determining the cost of land allotted to other government agencies.

3. The other elements of the award namely solatium and interest would be allowed as per rules.
4. The Special Rehabilitation Package would not be treated as precedent for the future.
5. The payment of compensation should be done in a time bound manner.
6. The package would apply to all agricultural lands.
7. The Special Rehabilitation Package should be accepted by individual farmers and made applicable in each case only, if they do not mount a challenge to the award already announced by the LAC. If they have challenged the award they must withdraw the petition to avail of the benefit of the Special Rehabilitation Package.

Sd/-
(G.S. MEENA)
Addl. Secretary (L&B)”

8. The petitioners accepted such package (SRP) and gave an undertaking in accordance with the terms of the package of their having accepted the compensation including SRP, leading to cessation of all their rights qua the acquired land. In the undertaking given by the petitioners, it was categorically stated that no cause of action would arise for agitating the matter in any court of law or authority or authorities and that it was towards the full and final settlement in respect of the acquired land.
9. Be it noted that these undertakings of the petitioners were made prior to the commencement of the 2013 Act, i.e. on 01.01.2014.
10. There is no denial in Court today that the present petitioners are identically placed as in the case of (i) ***Bhim Singh & Ors. v. Government of NCT of Delhi & Ors.***, W.P.(C) 9101/2014 and other batch cases; (ii) ***Jai Kishan & Anr. v. Government of NCT of Delhi &***

Ors., W.P. (C) 5395/2015 and other batch cases; and (iii) **Vijender Singh Vs. Govt. of NCT of Delhi & Ors.**, W.P. (C) 2783/2015.

11. For the detailed reasons as discussed in the case of **Bhim Singh & Ors.** (supra) and other batch cases; **Jai Kishan & Anr.** (supra) and other batch cases; and **Vijender Singh** (supra) and other batch cases, the present petitions are dismissed but without any costs.
12. All the pending applications stand disposed of.
13. Interim orders, if any, stand vacated.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 02, 2017/ck