

\$~40

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 9174/2016, C.M. APPL.37121/2016**  
**POONAM TALWAR** ..... Petitioner  
Through : Sh. M.P. Bhargava, Advocate.

versus

**UNION OF INDIA & ORS** ..... Respondents  
Through : Sh. Siddhanth Panda, Advocate, for  
LAC/L&B  
Sh. Pawan Mathur, Advocate, for DDA.

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

**ORDER**  
% **10.10.2017**

1. The writ petition claims direction that the acquisition proceedings in respect of Khasra No.929/711 (0-13) and 931/612 (0-7), measuring 1 bigha situated in the revenue estate of Village Maidan Garhi, New Delhi [hereafter referred to as “the suit lands”] is free from acquisition in view of Section 24 (2) of *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* (hereafter referred to as “the 2013 Act”).

2. The relevant facts of the case are that the suit lands were notified under Section 4 of the Land Acquisition Act, 1894 [hereafter “the 1894 Act”] on 25.11.1980. This was followed by the declaration under Section 6 of the 1894 Act on 07.06.1985. The Award in this case (being no.23/87-88) was framed on 17.06.1987. The petitioner contends that she is a subsequent transferee – the Special Power of

Attorney (SPoA) holder. She relies upon a copy of the SPoA dated 26.09.2016 and also an earlier agreement to sell entered into between the land owner and other parties.

3. The respondents are present. During the course of hearing, the respondent/Land Acquisition Collector (LAC) filed its counter affidavit which was taken on record. It, in relevant particulars, states as follows:

“XXXXXX XXXXXX XXXXXX

8. *That in the present case, the possession of the land in question was taken over and handed over to the beneficiary department on 16.07.1987 and as per Statement “A”, compensation amounting to Rs.501878.58 was paid to Sh. Tak Chand vide Ch. No.81090 dated 11.09.1987. Further, the petitioner is not the recorded owner and compensation has already been paid to the recorded owner. It is submitted that the writ petition has been filed at the behest of the subsequent purchaser who having full knowledge about the status of the land in question got the land transferred after the same was notified for acquisition under the provision of the Land Acquisition Act, 1894. The transfer was done in violation of Section 4 Delhi Lands (Restrictions on Transfer) Act, 1972, without first obtaining a written permission of the competent authority under the Delhi Lands (Restrictions on Transfer) Act, 1972. It is further submitted that the transfer of land which has already been acquired by way of a valid notification under the provisions of the Land Acquisition Act, is illegal being in violation of Section 3 of the Delhi Lands (Restrictions on Transfer) Act, 1972. The transfer of land in violation of Section 3 or Section 4 of the Delhi Lands (Restrictions on Transfer) Act, 1972, attracts penal action also under Section 9 of the Act. In view of the settled position of law the subsequent purchaser is not entitled to seek a*

*declaration of a right which may have enured to their benefit by virtue of the operation of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Act, 2013. The subsequent purchasers cannot challenge the acquisition proceedings they do not have right to seek release of the land in question, they are only entitled to compensation, if any payable. The law in this regard is well settled as enunciated in the case of K.N. Aswathnarayana Setty (D) through LRs and Ors. v. State of Karnataka and Ors. 2014 (15) SCC 394 and Meera Sahni v. Lieutenant Governor of Delhi and Ors. 2008 (9) SCC 177.”*

4. Having regard to the above position, i.e. that the possession of the suit lands was taken and compensation was also paid to the concerned land owner in 1987 itself, the claim in these proceedings cannot be granted. The writ petition is accordingly dismissed along with the pending application.

**S. RAVINDRA BHAT, J**

**SUNIL GAUR, J**

**OCTOBER 10, 2017/ajk**