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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9266/2016**
UMA SHANKAR Petitioner
Through : None.

versus

GOVT OF NCT OF DELHI AND ORS Respondents
Through : Sh. Siddhanth Panda, Advocate, for
LAC/L&B

CORAM:

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

ORDER
% **10.10.2017**

The counter affidavit is hereby taken on the record.

Sh. Aditya Singh, learned counsel for the petitioner was present in Court and received a copy of the counter affidavit and endorsement to that effect has been made on the office copy which is produced in Court. The same is hereby taken on record.

The writ petition claims direction that the acquisition proceedings in respect of the old Khasra No.1887/1122/1 [new Khasra No.364] measuring 1 bigha 10 biswas situated in the revenue estate of Village Mehrauli, New Delhi [hereafter referred to as “the suit lands”] is free from acquisition in view of 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”).

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 24.10.1961. This was followed by the declaration under Section 6 of the 1894 Act on 04.01.1969. The Award in this case, being no.75/1983-84 too was issued.

The respondents in the counter affidavit, in the relevant particulars state as follows:

“6. That as per the record, the land in question, i.e. Khasra No.1187/1122/1 (Old Khasra) 364 (New) 1 bighas 10 biswas situated at the revenue estate of Village Mehrauli, New Delhi, was notified under Section 4 of the Land Acquisition Act on 24.10.1961 followed by declaration under Section 6 of Land Acquisition Act on 04.01.1969 for Planned Development of Delhi. In pursuance of said notification, notices under Section 9 and 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 including the predecessor(s) in interest of the present petitioners with respect to the above said land in question. The then Land Acquisition Collector passed Award No.75/1983-84 dated 09.12.1985 after considering the claims of the claimants.

7. That in the present case, the possession of the above mentioned lands was taken over and handed over to the beneficiary department on 23.09.1981. As per the payment file the compensation amount of Rs.5428.90 with respect to the above said land was paid from the revenue deposit vide Refund Voucher No.1054 dated 13.06.1986.”

It is evident that the possession of the suit lands was taken over in 1981 and the compensation amount was deposited and subsequently also collected by the land owner.

In these circumstances, Section 24(2) of the 2013 Act is not attracted. The writ petition has no merit. It is accordingly dismissed.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

OCTOBER 10, 2017/ajk