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

+ W.P.(C) 6139/2015 & CM APPL. 11160/15

SUKHBIR SINGH

..... Petitioner

Through : Mr.Murari Gupta, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr.Bhagvan Swaroop Shukla, CGSC with
Mr.Shambhu Chaturvedi, Advocate for UOI.

Mr.Arjun Pant, Advocate for DDA.

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

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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11.07.2017

The petitioner seeks declaration to the extent of 2 bigha 8 biswas out of Khasra No.516 (old Khasra No.1215) Revenue Estate of Village Mehrauli, New Delhi, that acquisition of land by virtue of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has lapsed.

The land in question along with others was notified under Section 4 of the Land Acquisition act, 1894 on 23.01.1965; it was notified vide declaration dated 07.12.1966 under Section 6. The award No. 80/70-71 in respect of the acquired land including the suit land was made on 09.01.1981.

It is not in dispute that possession of the suit land has been taken. The petitioner contends that since compensation was not tendered to him in accordance with Section 24, the acquisition is deemed to have lapsed.

The concerned respondent i.e. the appropriate government through

the land acquisition collector has in fact virtually conceded the petitioner's submission as is evident from the following extract of the counter-affidavit :

“4. That it is submitted that the lands of village Mehrauli were notified vide Notification under section 4 of the Land Acquisition Act, 1894 dated 23.1.1965 which was followed by the Notification under section 6 of the Act dated 7.12.66. The Award was also passed vide Award No. 80-E/70-71 dated 9.1.1981 and the physical possession of the land was taken on 23.9.1981 and handed over to requisition agency on the spot. It is submitted that since there was a dispute over the payment of compensation, the same could not be paid and is lying deposited in RD.”

In view of the clear admission, the Court is of the opinion that the petitioner is entitled to the relief which he seeks. It is hereby declared that acquisition of the land to the extent of 2 bigha 8 biswas out of Khasra No.516 (old Khasra No.1215) Revenue Estate of Village Mehrauli, New Delhi, is deemed to have lapsed by the operation of Section 24 (2) of the Act. The writ petition is allowed.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 11, 2017 / tr