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

% Judgment delivered on: 02<sup>nd</sup> May, 2017

+ **W.P.(C) 9311/2014 & CM No. No.21103/2014**

JOGINDER SINGH

..... Petitioner

Through : None.

versus

LAND ACQUISITION COLLECTOR (N)

..... Respondent

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

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**YOGESH KHANNA, J. (Oral)**

1. The petitioner, through attorney, claims a declaration under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. It is the case of the petitioner that he is a recorded owner to the extent of 1/8<sup>th</sup> share in the agricultural land falling in Khasra Nos.219(3-08) and 220(4-14), admeasuring 8 bigha and 2 biswas in village Katewada, Delhi. On 06.07.1998 the land was notified under Section 4 and 17(1) of the Land Acquisition Act, 1894 vide notification No.F.7(16)/96/L&B/LA/4840 and consequently, a

notification under Section 6 of the Act was issued on 17.07.1998. On 14.07.2000, an award No.12/2000-01/NW, was made under Section 11 of the Act, which included the land of the petitioner in Khasra Nos.219(3-08) and 220(4-14), admeasuring 8 bigha and 2 biswas, as above. On 12.10.2001 the mutation entries were made in favour of the petitioner. However, on 20.12.2001 the petitioner sold the entire land to Shri Ramesh Kumar s/o Shri Zile Singh by executing a duly registered GPA and other documents. Thus, the petitioner has filed this petition through his attorney.

3. It is the case of the petitioner that after the award was made, neither was any compensation tendered or paid to him nor was the possession of the land taken over by the appropriate government.

4. The counter affidavit of the first respondent (LAC) confirms these material facts. The relevant assertions are in paragraph No.4 which runs as under:-

*“4. That it is submitted that the lands of village Katewara were notified vide Notification under section 4 of the Land Acquisition Act, 1894 dated 06.07.1998 which was followed by the Notification under section 6 of the Act dated 17.07.1998. The Award was also passed vide Award No.12/2000-01 dated 14.07.2000 however the physical possession of the subject land falling in Khasra Number 219 (3-0-8) and 220 (4-14) total measuring (8-02) could not be taken nor the compensation has been paid and out of which the petitioner has claimed the relief for land having 1/8<sup>th</sup> share.”*

5. Thus, admittedly neither the possession of land of the petitioner

was ever taken nor any compensation was tendered or paid to him by the appropriate government and thus, the Court is of the opinion that in the circumstances the relief claimed has to be granted in view of the decision in *Pune Municipal Corporation & Anr. vs. Harakchand Misirimal Solanki & Ors.* (2014) 3 SCC 183 wherein the Supreme Court has held as follows:-

*“under section 24(2) land acquisition proceedings initiated under the 1894 Act, by legal fiction, are deemed to have lapsed where award has been made five years or more prior to the commencement of 2013 Act and possession of the land is not taken or compensation has not been paid. The legal fiction under section 24 (2) comes into operation as soon as conditions stated therein are satisfied, the applicability of section 6 of the General Clauses Act being subject to section 24 (2), there is no merit in the contention of the corporation (emphasis supplied)”*

6. Consequently, in line with the decision in *Pune Municipal* (supra) the relief claimed needs to be granted. The declaration is thus issued that the acquisition of the land to the extent of 1/8<sup>th</sup> share in the agricultural land falling in Khasra Nos.219(3-08) and 220(4-14), admeasuring 8 bigha and 2 biswas in village Katewada, Delhi, stood lapsed in view of the provisions of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, the respondent is granted an year's time to take appropriate suitable action, if any.

7. The petition and pending miscellaneous application are

allowed, in the above terms.

**YOGESH KHANNA, J**

**S. RAVINDRA BHAT, J**

**MAY 02, 2017**

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