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

+ W.P.(C) 2/2015

GOBIND SARAN SINGH & ORS ..... Petitioners

Through: Mr. Pankaj Vivek with Mr. Atul  
Tripathi, Advs.

versus

LAND ACQUISITION COLLECTOR / A.D.M. & ORS

..... Respondents

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

Mr. Sanjeev Sabharwal, Standing Counsel, DDA.

**CORAM:**

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

**HON'BLE MR. JUSTICE S.P.GARG**

**ORDER**

**10.07.2017**

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1. Petitioners seek a declaration that the acquisition in respect of an extent of 17 biswa out of 6 bigha and 6 biswa acquired by the respondents (as part of Khasra No.487/89/1, Village Peera Garhi) has elapsed by operation of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The notification for proposing the acquired suit lands was issued on 13.11.1959; a declaration was subsequently made on 29.12.1968. The award in this case appears to have been made and published on

17.12.1981. The petitioners' complaint is that though the compensation in this case was not paid and that though possession of a substantial part of the land was taken subsequently; an extent of 17 biswa was left out.

3. The respondents substantially agreed that the petitioners' contention was with respect to 17 biswa of land, however, they point out that the petitioners had approached this Court earlier in these writ proceedings and also filed a suit in 1999, although all these were apparently withdrawn. It is furthermore stated that the petitioners have filed civil proceedings being Civil Suit Nos.25/2014, 31/2014, 29/2014, 34/2014 and 28/2014 for seeking injunction against the respondents (i.e. the Delhi Development Authority, LAC and the Union of India) to restrain them from taking over the lands which remain in their possession. More importantly, the LAC contends that the revenue records produced in these proceedings show that the lands which were not taken possession of, do not belong to the petitioner but in fact are recorded in the name of the Gaon Sabha. Compensation too has been assessed in the hands of the Gaon Sabha.

4. This Court is of the opinion that since the entitlement to the suit lands – as to whether the petitioners are in possession or are entitled to seek an injunction as one in lawful occupation has not yet been determined, the only observation which can be relied on is the LAC's statement that 17 biswa of land has not been taken possession of. To that extent, Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 would operate. However, the petitioners' claim with respect to injunction and of being in lawful possession would yet have to be established in accordance with law in a

properly instituted proceeding, which impleads all the necessary parties.

The writ petition is therefore disposed of in above terms.

**S. RAVINDRA BHAT, J**

**S.P.GARG, J**

**JULY 10, 2017**

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