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

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W.P.(C) 5970/2015 & CM 10824/2015

NARESH SEHRAWAT & ORS

..... Petitioners

Through: Mr. N. S. Vasisht, Adv. with  
Mr. M. P. Bhargava, Adv.

versus

DELHI DEVELOPMENT AUTHORITY ..... Respondent

Through: Mr. Sanjeev Sabharwal, Adv. for  
DDA.

Mr. Yeeshu Jain, Adv. with  
Ms. Jyoti Tyagi, Adv. for L&B.  
Mr. Naushad Ahmed Khan with  
Ms. Divyani Sehgal, for R-2.

**CORAM:**

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

**HON'BLE MR. JUSTICE CHANDER SHEKHAR**

**ORDER**

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**04.09.2017**

Petitioners seek a direction pursuant to the order of this Court – dated 23.03.2015 in Writ Petition No. 8126/2014 (*Naresh Sehrawat vs. Union of India*).

The subject matter of both the present petition and the earlier proceedings is identical, i.e., lands in Mahipal Pur. In the earlier proceedings, the Court had declared that the acquisition proceedings which culminated in Award No. 33 dated 19.09.1986,

had lapsed on account of Section 24(2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* (hereinafter referred to as ‘the new Act’).

It is submitted by the petitioners that despite the directions of the Court, the respondents have till date neither taken any steps to acquire the land nor paid any compensation either in terms of the old Act or in terms of the new Act.

The earlier order of the Court had noted that physical possession, according to the respondents, had been taken from the land owners on 23.12.2002. However, having regard to the clear admission with respect to non-payment of compensation, the Court had declared that the acquisition stood lapsed. In the present case, it appears that till date fresh acquisition proceedings have not been initiated – the Delhi Development Authority, which is one of the respondents arrayed – has not indicated that any fresh acquisition proceedings either initiated or is under contemplation.

In view of the clear declaration of this Court by its earlier order with regard to the status of the acquisition proceedings, the respondents cannot maintain the present position of inaction. At the same time, the Court cannot direct the respondents to acquire the lands which are in its possession. Instead, the most appropriate course would be to direct the respondents, i.e., DDA or concerned department of the Government of NCT (PWD/Land & Building) to

take a final decision as to whether to continue with possession and/or pay compensation in accordance with law as existed from the date of enactment of the new Act, i.e., 01.01.2014 or return the lands. The decision shall be communicated to the petitioners within three months. In case the Government decides to continue with the possession, it shall indicate appropriate procedure to be adopted for determination of compensation in its decision.

The writ petition is disposed of in above terms.

*Dasti.*

**S. RAVINDRA BHAT, J**

**CHANDER SHEKHAR, J**

**SEPTEMBER 04, 2017**  
**SRwt**