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

+ W.P.(C) 212/2017

M/S. RHYTHEM REAL ESTATES PVT LTD Petitioner
Through: Mr. M.P. Bhargava, Adv.

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Siddharth Panda, Adv. for R4 and
R5.
Mr. Arjun Pant, Adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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01.11.2017

Petitioner has filed the present writ petition under Article 226 of the Constitution of India with a prayer to declare the entire acquisition proceedings with respect to 2236 Sq. Yds. of agricultural land out of 2986 Sq. Yds. comprised in Khasra No. 707/595 and 706/595 situated in the Revenue Estate of Village – Maidan Garhi, NCT Delhi having lapsed. Petitioner further seeks a direction to quash the Notification No. F.9(16)/80-L&B dated 25th November, 1980 issued under Section 4 of the Land Acquisition Act, 1894; Notification No. F.9(28)/85-L&B dated 18th June, 1985 issued under Section 6 of the Land Acquisition Act, 1894 and the Award No. 23/87-88 with respect to 2236 Sq. Yds. of agricultural land out of 2986 Sq. Yds. comprised in Khasra No. 707/595 and 706/595 situated in the Revenue Estate of Village – Maidan Garhi, NCT Delhi. As per the writ

petition, neither the possession of the land has been taken nor compensation paid. Thus, while relying on Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (New Act), petitioner prays that the writ petition may be allowed.

Notice in this matter was issued on 11th January, 2017 and counter-affidavits have been filed by the respondent LAC and DDA. As per the counter-affidavit filed by the DDA, the possession of the subject land was taken on 16th July, 1987 and supporting documents have been placed on record.

In Para 8 of the counter-affidavit filed by the LAC, details have been provided with regard to the compensation paid to the erstwhile recorded owners of the land in question and the names of the owners, amount of compensation paid, cheque nos. and dates have been extracted.

Having regard to the fact that the compensation has been paid, possession has been taken over relief so prayed by the petitioner cannot be granted.

Accordingly, writ petition is dismissed.

CM. No. 212/2017

In view of the order passed in the writ petition, CM is also dismissed.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 01, 2017/jg