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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 19.07.2017

+ W.P.(C) 7299/2015 & CM No.13410/2015

VIKAS & ORS

..... Petitioners

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

+ W.P.(C) 7304/2015 & CM No.13417/2015

SUKHBIR SINGH & ORS

..... Petitioners

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

+ W.P.(C) 7306/2015 & CM No.13420/2015

SURAJ BHAN & ORS.

..... Petitioners

versus

GOVERNMENT OF NCT OF DELHI & ORS.

..... Respondents

+ W.P.(C) 7307/2015 & CM No.13421/2015

MAHENDER SINGH & ORS

..... Petitioners

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

+ W.P.(C) 7313/2015 & CM No.13430/2015

SURAJ BHAN AND ORS.

..... Petitioners

versus

GOVT. OF N.C.T. OF DELHI AND ORS.

..... Respondents

Present: Mr. Aagney Sail, Adv. for the petitioners.
Mr. Yeeshu Jain, Standing Counsel with Ms. Jyoti Tyagi, Adv.
for L&B.
Ms. Reenuka Arora, Adv. for DSIIDC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

MR. JUSTICE S. RAVINDRA BHAT (OPEN COURT)

1. Counter affidavit is permitted to be taken on record in W.P.(C) Nos.7306/2015 & 7313/2015.
2. In all these writ petitions, the petitioners have prayed for the benefit 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 2013 Act'), i.e., a declaration to the effect that the land acquisition proceedings in respect of their lands be deemed to have lapsed in view of the provisions of Section 24(2) of the 2013 Act.
3. All petitioners claim to be owners of different parts of land (agricultural land in Village Karala Rectangle No. 10- Khasra Nos. 22(4-05); Rectangle No. 17- Khasra Nos. 2(4-05), 9(4-05) in W.P.(C) No.7299/2015; agricultural land in Village Karala Rectangle No. 16 – Khasra Nos. 16(4-16), 17/1(2-13), 17/2(2-03), 24/2(3-06), 25(4-16) in W.P.(C) No.7304/2015; agricultural land in Village Karala in Rectangle No. 34 – Khasra Nos. 14/1(2-02), 15/1 min (1-02), 15/2 min (1-00); Rectangle

No.63 – Khasra No. 2/2(1-00)(B), 9(4-16)(B), 12(4-12)(B) in W.P.(C) No.7306/2015; agricultural land in Village Karala Rectangle No. 11- Khasra Nos. 10/1(min)(2-03), 10/2(min)(2-13), 11(4-16), 20(5-09), 21/1(1-18); Rectangle No. 62- Khasra Nos. 18/2{2-07(B)}, 19/1 {2-04(B)}, 23(4-12), 24(4-12), 25(4-12); Rectangle No. 63- Khasra Nos. 18{4-09(B)}, 19{4-12(B)}, 22{4-16(B)}, 23{4-09(B)} in W.P.(C) No.7307/2015 and agricultural land in Village Karala Rectangle No. 2- Khasra Nos. 16/1(1-05); Rectangle No.11- Khasra Nos. 4/2(1-11); Rectangle No. 15- Khasra Nos. 13/1(2-05); Rectangle No. 11 – Khasra No. 24/2(4-01); Rectangle No. 16 – Khasra Nos. 4(4-12), 7(4-16) & 14(4-12) in W.P.(C) No.7313/2015 (referred to as the “suit lands”).

4. All the writ petitions are based on almost identical facts except the description of the lands and some of the relevant dates. For convenience, the facts in W.P. (C) 7299/2015 are taken as reference. In this case, notification under Section 4 of the Land Acquisition Act, 1894 (“old Act”) was issued on 25.08.2005. Subsequently, on 10.07.2006, declaration under Section 6 of the old Act was issued. The award was made on 26.05.2008. The counter affidavit filed by the LAC in WP (C) 7306/2015, which was taken on record, shows that the compensation was awarded to the petitioners in lieu of the acquisition. Moreover, the petitioners took advantage of the Special Rehabilitation Package (SRP) as announced by the GNCT of Delhi and also received enhanced compensation pursuant to the scheme. The SRP reads as under:

***“GOVERNMENT OF NCT OF DELHI
LAND & BUILDING DEPARTMENT
B-BLOCK: VIKAS BHAWAN: NEW DELHI***

Dated: 01-10-2008

ORDER

The government of the NCT of Delhi have taken into consideration the general increase in prices of land and the inequity of giving compensation based on the procedure followed under the Land Acquisition Act, 1894. Therefore, the government have decided to give a Special Rehabilitation Package for the people affected by land acquisition in respect of the cases in which the land acquisition awards have not been announced till December 18, 2007, details of which are:-

- 1. The amount of compensation effective from December 18, 2007 would be discounted by Rupees 11.80 lakhs per acre per year for those lands which were notified under section 4 for acquisition in 2006 and 2005.*
- 2. Though this Special Rehabilitation Package would involved additional funds for making payment of compensation to the farmers, the amount would be recovered while determining the cost of land allotted to other government agencies.*
- 3. The other elements of the award namely solatium and interest would be allowed as per rules.*
- 4. The Special Rehabilitation Package would not be treated as precedent for the future.*
- 5. The payment of compensation should be done in a time bound manner.*
- 6. The package would apply to all agricultural lands.*
- 7. The Special Rehabilitation Package should be accepted by individual farmers and made applicable in each case only, if*

they do not mount a challenge to the award already announced by the LAC. If they have challenged the award they must withdraw the petition to avail of the benefit of the Special Rehabilitation Package.

Sd/-

(G.S. MEENA)

Addl. Secretary (L&B)”

5. Admittedly, the petitioners accepted such package (SRP) and gave an undertaking in accordance with the terms of the package that they had received due compensation. The undertaking stated that no cause of action would subsequently arise for making claims in relation to the lands so acquired and for whom compensation was so accepted, in later proceedings before courts of law. Learned counsel for the petitioners nonetheless contended that since as required by Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (“2013 Act”), possession has still not been taken and the petitioners are still in possession, they are entitled to a declaration under the Act that the said acquisition has lapsed. It was contended that even though compensation by way of SRP was accepted by the petitioners and an undertaking within the terms of the package was given, the petitioners could not be deemed to have waived their statutory rights and must be entitled to seek the relief provided under the Act.

6. This Court considers that the issue raised in these writ petitions is no longer *res integra*; in similar circumstances, the matter was put to rest by a decision of this Court in WP (C) 5395/2015 dated 21.02.2017 titled

Jai Kishan & Anr. v. Govt. of NCT of Delhi & Ors. That decision in turn relied upon a previous decision in W.P. (C) 9101/2014 titled *Bhim Singh v. Govt. of NCT of Delhi & Anr.* From both of these decisions, it clearly emerges that the petitioners having availed of the benefits of the SRP and received enhanced compensation accordingly, cannot now be heard to complain that the acquisition has lapsed in terms of Section 24 (2) of the 2013 Act. That being the case, the petitioners' claims are unmerited.

7. For the above reasons and in view of the judgment in W.P.(C) No.5395/2015 dated 21.02.2017 titled *Jai Kishan & Anr. vs. Govt. of NCT of Delhi & Ors.*, no relief can be granted.

The writ petitions are therefore dismissed.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 19, 2017

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