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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7701/2015, C.M. APPL.15099/2015**

JAIPAL SINGH & ORS Petitioners
Through : Sh. Dhruv Mehta, Sr. Advocate with Sh.
Yashraj Singh Deora and Ms. Anuparna Dhurve,
Advocates.

versus

LT. GOVERNOR, & ORS Respondents
Through : Sh. Pankaj Sinha, Advocate
Sh. Arjun Pant, Advocate, for DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
15.05.2017

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In this proceeding, the petitioners seek a declaration that the acquisition of their lands, Khasra Nos.35(5-19), 369/36(11-14), 37(8-13) measuring 26 bighas 9 biswas; 32(8-5) measuring 8 bighas 5 biswas and min.38(7-0), 355/33 and 367/2 measuring 11 bighas 17 biswas in Village Masoodpur, Tehsil Mehrauli, New Delhi [hereafter referred to as “the lands”] has lapsed.

In the present case, the state/GNCTD by notification dated 23.01.1965 under Section 4 of the Land Acquisition Act, 1894 (hereafter “the old Act”) sought to acquire the lands. Subsequently, a declaration too was issued under Section 6 of the old Act on 26.12.1968. The concerned Land Acquisition Collector (LAC), made the Award No.90/80-81 dated 22.12.1980.

The petitioners submit that they were owners of the suit lands and also claimed amounts before the Land Acquisition Collector (LAC). They contend that though possession of the land was taken at the relevant time, they were never paid compensation in accordance with law and thus are entitled to the declaration sought.

The respondents have repeatedly sought adjournments; especially the LAC has repeatedly sought time to file counter affidavit. DDA has filed counter affidavit. Even today, the respondents sought time.

The petitioner relies upon the reply of the LAC dated 25.03.2015 to a query made under the Right to Information Act which states as follows:

“Subject: Forwarding reply of RTI/ID No.1762/DC/ND

On the subject cited above, the reply of required information is given as under:

- 1. As per available record kh. No.367/2(1-10), 32(8-5), 355/33(3-7), 35(5-19), 369/36(11-14), 37(8-13), min 38(7-0) of village masood pur is acquired vide award no.90/80-81 dated 22/12/80.*
- 2. As per accounts report, the amount of compensation is lying in Recurring Department account vide dated 27/08/1981.*

If you are not satisfied with the information provided, you may file appeal before the first appellate authority, i.e. ADM, 12/1, Jam Nagar House, New Delhi-110011 within 30 days of the receipt of this information.

*HEMRAJ
APIO/NT(LA)
DISTT. NEW DELHI”*

The LAC has been unable to refute the petitioners' allegations that compensation was not paid in accordance with law, i.e. tendered in accordance with law declared by the Supreme Court in *Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors.* (2014) 3 SCC 183.

In the given circumstances of the case, there is no impediment for this Court to grant the relief sought.

Accordingly a declaration is issued under Section 24(2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* that the acquisition proceedings in respect to the suit lands is deemed to have lapsed. This, however, does not preclude the respondents from initiating fresh and appropriate proceedings for fresh acquisition. The writ petition is allowed in the above terms.

S. RAVINDRA BHAT, J

NAVIN CHAWLA, J

MAY 15, 2017/ajk