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

+ **W.P. (C) 8280/2015**

JAI SINGH Petitioner

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

W.P. (C) 8286/2015, CM APPL.17467/2015

HARMESH Petitioner

versus

GOVT OF NCT OF DELHI AND ORS. Respondents

W.P. (C) 8287/2015, CM APPL.17468/2015

JANESHWAR Petitioner

versus

GOVT. OF NCT OF DELHI & ORS Respondents

W.P. (C) 8291/2015, CM APPL.17472/2015

BHAGI SINGH Petitioner

versus

GOVT. OF NCT OF DELHI AND ORS. Respondent

W.P. (C) 9401/2015

GAJAB SINGH Petitioner

versus

GNCT OF DELHI AND ORS Respondents

Appearance: Mr. Rajesh Yadav with Mr. Sunil K. Goel and Mr. Lalit K.

Rawal, Advocates for petitioners in all matters.

Mr. Yeeshu Jain, Standing Counsel for L&B/LAC in all matters with Ms. Jyoti Tyagi, Advocate.

Mr. Dhanesh Relan, Advocate for DDA.

Mr. Pawan Mathur, Advocate for DDA in Item Nos.16&18.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE S.P.GARG

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ORDER
25.07.2017

With consent of counsel, all these writ petitions were heard independently but are being disposed of by a common order.

The petitioners claim that the acquisition in respect of the lands (Khasra nos.28 (4-04), 231 (2), 243 (2) and 244 (2) have elapsed by virtue of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (hereafter referred to as “2013 Act”).

The record shows that the suit lands were subjected to separate acquisition proceedings. Notification under Section 4/17 in respect of khasra no.28 Village Ghonda Gujran Khadar was issued on 23.06.1989. The Award was made on 19.06.1992. In respect of the other three parcels of land, i.e., khasra nos.231 (2) (to the extent of 7-10), 243 (2) (to the extent of 2-02) and 244 (2) (to the extent of 2017) of the same village, it is asserted that khasra no.28 was not subject to the acquisition but was rather excluded from the Award physically and was not assessed to compensation even though possession was taken over. It is stated that so far as other lands are concerned too, separate award was not made and they were not included in the Award dated 19.06.1992. The details of the land acquisition proceedings are reproduced by the DDA in its counter affidavit

by way of chart. The same is reproduced below: -

Khasra No.	Area	Detail
28	4-04	Notified vide Notification No.U/s.4-6-17(i) No.F9(1)/89-L&B/LA(iii) dated 20.6.90 and acquired vide Award No.8/92-93 dated 19.6.1992. The physical possession taken over by the DDA through LAC/L&B Department on 21.3.2007.
231/2	7-10	Notified vide Notification No.U/s.4 No.F15 (245)/61-L&H dated 24.10.1961 and under Section 6 No.F4(19)/65-L&H (ii) dated 02.09.1966.
243/2	2-02	
244/2	2-17	

The LAC in its affidavit, so far as khasra nos.231/2, 243/2 and 244/2 are concerned, states as follows: -

“5. That it is submitted that for the purpose of planned development of Delhi, the answering respondent issued a Notification u/s 4 of the Land Acquisition Act, 1894 on 23.6.1989 which was followed by Notification u/s 6 of the said Act dated 20.6.1990 for planned development of Delhi for the acquisition of the lands falling in village Ghonda Gujran Khadar. However from the records, it appears that for the khasra number, there was issued neither any notification nor passed the award. For remaining khasra number i.e. 231/2, 243/2 and 244/2, it appears that though the notification was duly issued for the said khasra numbers however neither the award could be passed nor the possession report dated 21.3.2007 confirmed that the possession was taken. The possession report however reflected that the possession of khasra number 28 was duly

taken and handed over to the requisition agency on the spot. That an Award bearing No. 8/92-93 dated 19.6.1992 was also passed however the recorded owner/s never came forward to receive any compensation.”

It is quite evident that no physical possession was taken in respect of the suit land. The appropriate government did not choose to assess the market value in the Award, much less pay the compensation. In these circumstances, the petitioners are entitled to the declaration under Section 24 (2) of the Act. It is accordingly declared that acquisition in respect of khasra nos.28 (4-4), 231/2, 243/2 and 244/2, Village Ghonda Gujran Khadar, Delhi, is deemed to have lapsed under Section 24 (2) of the Act, to the extent of 1/12th of their share.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 25, 2017
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