

*	IN THE HIGH COURT OF DELHI AT NEW DELHI	
+	<u>W.P.(C) 8206/2015, C.M. APPL.17207/2015</u> RAKAM SINGH	 Petitioner
	versus GOVT. OF NCT OF DELHI AND ORS.	 Respondents
+	<u>W.P.(C) 8216/2015, C.M. APPL.17220/2015</u> DEEP CHAND SINGH	 Petitioner
	versus GOVT. OF NCT OF DELHI AND ORS.	 Respondents
+	<u>W.P.(C) 8251/2015, C.M. APPL.17328/2015</u> RAGHUVAR SINGH	 Petitioner
	versus GOVT. OF NCT OF DELHI & ORS	 Respondents
+	<u>W.P.(C) 8253/2015, C.M. APPL.17329/2015</u> VIJAY SINGH	 Petitioner
	versus GOVT.OF NCT OF DELHI AND ORS.	 Respondents
+	<u>W.P.(C) 8254/2015, C.M. APPL.17334/2015</u> SAMAY SINGH	 Petitioner
	versus GOVT. OF NCT OF DELHI AND ORS.	 Respondents
	Through : Sh. Rajesh Yadav, Sh. Sunil. K. Goel, Sh. Lalit. K. Rawal and Sh. Siddharth Gupta, Advocates. Sh. Pawan Mathur, Advocate, for DDA, in Item Nos. 18 to 22. Sh. Arun Birbal, Advocate, for DDA, in Item No.20. Sh. Yeeshu Jain, Standing Counsel with Ms. Jyoti Tyagi, Advocate, for L&B/LAC, in Item Nos. 18 to 22.	

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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01.08.2017

1. These petitions were heard separately.
2. Since the issues involved and the Khasra Nos. in these proceedings are common, these proceedings are disposed of through a common order.
3. It is stated that the counter affidavit has been filed in W.P.(C) 8206/2015; it is, however, not on record.
4. With consent of learned counsel for the petitioners, a copy of the counter affidavit is permitted to be placed on record in W.P.(C) 8206/2015.
5. In the present proceedings, the lands involved [hereafter collectively referred to as “the suit lands”] are as under :

W.P.(C) 8206/2015	K. Nos.28(4-4), 231/2 (7-10), 243/2(2-2), 244/2 (2-17) measuring 16 bighas 13 biswas having 1/6 th share measuring 2 bighas 14 biswas situated in the estate of Village Ghonda Gujaran Khadar, Shahdara.
W.P.(C) 8216/2015	K. Nos.28(4-4), 231/2 (7-10), 243/2(2-2), 244/2 (2-17) measuring 16 bighas 13 biswas having 1/12 th share measuring 1 bigha 8 biswas situated in the estate of Village Ghonda Gujaran Khadar, Shahdara.
W.P.(C) 8251/2015	K. Nos.28(4-4), 231/2 (7-10), 243/2(2-2), 244/2 (2-17) measuring 16 bighas 13 biswas having 1/12 th share measuring 1 bigha 8 biswas situated in the estate of Village Ghonda Gujaran Khadar, Shahdara.
W.P.(C) 8253/2015	K. Nos.28(4-4), 231/2 (7-10), 243/2(2-2), 244/2 (2-17) measuring 16 bighas 13 biswas having 1/6 th share measuring 2 bighas 14 biswas situated in the estate of Village Ghonda Gujaran Khadar, Shahdara.
W.P.(C) 8254/2015	K. Nos.28(4-4), 231/2 (7-10), 243/2(2-2), 244/2 (2-17) measuring 16 bighas 13 biswas having 1/6 th share measuring 1 bigha 12 biswas situated in the estate of Village Ghonda Gujaran Khadar, Shahdara.

6. The claim in these proceedings is for a declaration that acquisition in respect of suit lands has lapsed in view of Section 24(2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* [hereafter “the 2013 Act”].

7. The facts are that the acquisition in this case was triggered by Notification under Section 6 of the Land Acquisition Act, 1894 dated 02.09.1966.

8. However, the petitioners contend that till date award has not been made in respect of suit lands.

9. The respondents in their counter affidavit state as follows:

“6. That it is submitted that for purposes of planned development of Delhi, the answering respondent issued a Notification u/s 4 of the Land Acquisition Act, 1894 on 23.06.1989 which was followed by Notification u/s 6 of the said Act dated 20.06.1990 for planned development of Delhi for the acquisition of the lands falling in Village Ghonda Gujran Khadar. That an Award bearing No.8/92-93 dated 19.6.1992 was also passed however the Award could not be passed for the subject land.

7. That it is submitted that where the possession of the subject land has been taken the Supreme Court of India in the recent judgment titled as K.N. Aswathanarayan Setty v. State of Karnataka reported as AIR 2014 SC 279 has held that once the possession of the land is being taken, the persons interest are entitled to compensation only.”

10. A look at the award would show that the document does not assess the suit lands to market value. Clearly, therefore, the compensation was not assessed. *A fortiori*, consequently, the acquisition is deemed to have lapsed. A declaration to the effect that the suit lands are free from acquisition is, therefore, made.

11. The writ petitions and the pending applications are allowed in the above terms.

S. RAVINDRA BHAT, J

S.P.GARG, J

AUGUST 01, 2017/ajk