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

DECIDED ON : AUGUST 08, 2017

+ **W.P.(C) 8682/2015 & CM APPL.19042/2015**

SULTAN SINGH AND ORS. Petitioners

Through : Mr.M.P.Bhargava, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through : Mr.Praveen Kr.Jain, Advocate, for R-1 & 2.

Mr.Arjun Pant, Advocate, for DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

S. RAVINDRA BHAT, J. (OPEN COURT)

1. Learned counsel for respondents No.4 and 5 seeks liberty to place on record counter affidavit. Counter affidavit is hereby taken on record.
2. In the instant writ petition, the petitioners claim themselves to be recorded owners of the land of Khasra No.16/8 (2-01) situated in the Revenue Estate of Village Pochanpur, Tehsil Mehrauli, New Delhi. The petitioners' claim is that acquisition of their lands (hereinafter referred to as 'suit land') has lapsed by virtue of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act').
3. A notification under Section 4 of the Land Acquisition Act, 1894 (old Act) was issued on 13.12.2000; it included the suit land. A declaration was issued under Section 6 on 07.12.2001. The acquisition proceedings culminated into Award No.30/2002-2003 dated 09.12.2002.

4. The petitioners aver that pursuant to the award neither possession of the suit land was taken over by the respondents nor any compensation in respect thereof was ever paid or tendered.

5. The Govt. of NCT of Delhi through LAC, in its counter-affidavit, states in Para 7 :

“7. That it is submitted that the physical possession of the lands under reference was taken and handed over to the beneficiary department on 11.09.2002. However, compensation with respect to the land in question was not paid to the recorded owners due to dispute.

6. It is evident that compensation for acquisition of the suit lands was not tendered or paid to the recorded owner(s). Consequently, the writ petition is to succeed.

7. Accordingly, it is held that acquisition of suit lands in Khasra No.16//8 (2-01) vide Award No.30/2002-2003 dated 09.12.2002 is deemed to have lapsed by virtue of Section 24(2) of the Act.

8. The writ petition is allowed in the above terms. Pending application also stands disposed of.

**S. RAVINDRA BHAT
(JUDGE)**

**S.P.GARG
(JUDGE)**

AUGUST 08, 2017/sa