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

DECIDED ON : JULY 17, 2017

+ **W.P.(C) 10587/2015 and CM APPL.26869/2015**

KRISHANA

..... Petitioner

Through : Mr.Lalit Rawal with Mr.Sunil K.Goel,
Advocates.

versus

GOVT.OF NCT OF DELHI & ORS.

..... Respondents

Through : Mr.Arjun Pant, Advocate, for DDA.
Mr.Yeeshu Jain, Standing Counsel with
Ms.Jyoti Tyagi, Advocate for
L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

S. P.GARG, J. (OPEN COURT)

1. The petitioner seeks declaration that the acquisition of land in Khasra No.255/2 (5-16)1/2 & 271/2 Min (0-14) total area 06 bighas and 10 biswas having 1/18th share measuring situated in the Revenue Estate of Village Ghonda Gujran Khadar, Shahdara (referred to as 'the suit land') has lapsed under Section 24(2) of Right to Fair Compensation

and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (referred to as 'the Act').

2. The petitioner avers that her husband, namely, Raj Singh, was recorded owner of the suit land; he died on 15.11.1991. She is one of his legal heirs. A Notification under Section 4 of the Land Acquisition Act was made on 23.09.1989; it included the suit land. Notification under Section 6 of the Old Act was made on 20.06.1990. Award bearing No.8/1992-93 was made thereafter.

3. The petitioner claims that only symbolic possession of the suit land was taken over by the respondents; its physical possession was never taken. She was not paid or tendered any compensation, whatsoever.

4. Para No. 6 of the counter affidavit filed by the respondents reads as under:

"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 23.6.1989 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 Gujran Khadar. That an Award bearing No.8/92-93 dated 9.6.1992 was also passed and the actual vacant physical possession of the subject lands falling in khasra number 255/2 (5-16) and 271/2 min (0-14) total measuring (6-10) was taken on the spot by preparing possession proceedings dated 21.3.2007 and handed over to the DDA on the spot however the recorded owner/s never came forward to receive the compensation. A copy of possession proceeding dated 25.1.2000 is already filed by the petitioner."

5. It is evident that the possession of the suit land has since been taken on 21.03.2007. No recorded owner approached the respondent to receive the compensation. The petitioner has not placed on record any document to show if after the death of her husband, the suit land was mutated in her name or whether she approached the respondents to claim compensation. It has not been elaborated as to who are the other legal heirs of the deceased Raj Singh or if any of them has received compensation. Though the petitioner's husband expired on 15.11.1991, the intimation regarding his death was never conveyed to the revenue authorities to offer or pay compensation to her.

6. Considering the above facts, declaration under Section 24(2) of the Act cannot be granted to the petitioner.

7. The petition is dismissed. All pending application(s) also stand disposed of.

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

**S. RAVINDRA BHAT
(JUDGE)**

JULY 17, 2017/sa