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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
DECIDED ON : JULY 17, 2017

+ **W.P.(C) 10458/2015 and CM APPL.26247/2015**

ISHWAR SINGH

..... 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) and 271/2 min (0-14) total area 6 bighas and 10 biswas, having 1/6 share measuring 1 bigha and 2 biswas (hereinafter 'suit land'), situated in the Revenue Estate of Village Ghonda Gujaran Khadar, Shahdara has lapsed under Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

2. The petitioner avers that his father Parhlad Singh was the recorded owner of the suit land and he has since expired on 15.05.2006. 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 has been taken over by the respondents on 21.03.2007; its physical possession was never taken. No compensation, whatsoever, was paid to him.
4. Para No.6 of the counter affidavit filed by the respondents read as under:

“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 20.6.1990 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 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 whereas the compensation was also paid to the other share holders of the subject land except the share of father of the petitioner herein. A copy of the possession proceeding has been filed by the petitioner himself.”

5. It is evident that the possession of the suit land has since been taken over on 21.03.2007. Compensation is stated to have been paid to the shareholders of the suit land except the petitioner's father.
6. The petitioner has not placed on record any document to show as to how and to what extent, the said suit land has fallen into his share. It was never mutated in his name. The petitioner does not disclose as to who else are the legal heirs of the deceased Parhlad Singh. It is also not disclosed if no compensation has been received by any other legal heirs of deceased Parhlad Singh.
7. The petitioner never moved the respondents any time to claim compensation for acquisition of suit land.
8. Considering the above facts, declaration sought under Section 24(2) of the Act can't be granted.
9. The petition is dismissed. All pending application(s) also stand disposed of.

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

**S. RAVINDRA BHAT
(JUDGE)**

JULY 17, 2017/sa