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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 316/2016, C.M. APPL.1285/2016**
MOHAN LAL Petitioner
Through : Sh. Parvinder Chauhan and Sh. Nitin
Jain, Advocates.

versus

LT GOVERNOR AND ORS Respondents
Through: Sh. Yeeshu Jain, Standing Counsel with
Ms. Jyoti Tyagi, Advocate.
Sh. Pawan Mathur, Advocate, for DDA

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
% **09.05.2017**

In this petition, the relief claimed is a declaration that the acquisition of land is deemed to have been elapsed under Section 24 (2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*.

The petitioner claims consequential orders in respect of Khasra No. 1242 (2-03) in the revenue estate of Village Malikpuri Kohi @ Rangpuri, New Delhi. The Notification under Section 4 and Section 6 of the Land Acquisition Act, 1894 [hereafter "the old Act"] was issued on 27.06.1996 followed up by declaration under Section 17(1) of the old Act on 10.01.1997. On 07.01.1999, Award No.2/1998-99 was published. The petitioner contends that even though possession was taken over on 31.12.2013, compensation was not paid since it has

not been received from the Delhi Development Authority (DDA). In support of his submissions, the petitioner has filed documents such as copies of the Award and the revenue documents.

The counter affidavits of Respondent Nos. 3 and 4 are on the record. According to their submissions, the possession was handed over on 31.12.2013.

He also relies upon the Award to say that all formalities were completed and that the land vested in the appropriate Government and that it was duly handed over to the requisitioning agency, i.e., the Delhi Development Authority (“DDA”).

With the enactment of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*, the Parliamentary intention that wherever possession of acquired land was not secured within five years prior to the enactment or where compensation was not tendered to the land owners in accordance with law within that period, the acquisition is deemed to have elapsed manifest through Section 24 (3). That provision has been the subject matter of several judgments. The leading one being *Pune Municipal Corporation and Anr v. Harakchand Misirimal Solanki and Ors*: (2014) 3 SCC 183. The ruling has been followed in several Supreme Court judgments as well as decisions of this Court.

In the present case, although the respondents have provided materials to support their contention that the land owner was dispossessed on specific date mentioned in the counter affidavits, no

such details are forthcoming with respect to tendering of compensation. *Pune Municipal Corporation (supra)* is categorical in that. Unless compensation is tendered to the land owners in the manner known to law, Section 24 (2) will operate to invalidate or nullify the acquisition to the extent of the land in question.

Having regard to the significant omission on the part of the respondents to reveal whether compensation was tendered to the petitioner and if so on what dates, the Court is of the opinion that the claim in the present proceedings has to succeed.

In the light of the forgoing discussions, it is hereby declared that the acquisition is deemed to have elapsed under Section 24 (2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* with respect to Khasra No. 1242 (2-03) in revenue estate of Village Malikpuri Kohi @ Rangpuri, New Delhi, for which compensation was not paid to the petitioner. Consequential direction is also issued to the respondents to take necessary steps - if they so choose - within one year to acquire the land failing which the same shall be returned to the recorded owners.

The writ petition is allowed in the above terms.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

MAY 09, 2017/AJK