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

+ **W.P.(C) 11857/2015 & CM No.31545/2015**

SANTOSH DEVI & ORS Petitioners

Through: Mr. Sumit Bansal with Ms. Richa Oberoi, Advs.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Chiranjeev Kumar with
Mr. Mukesh Sachdeva, Advs. for R-1/UOI.

Mr. Arjun Pant, Adv. for DDA.

Mr. Yeeshu Jain, Standing Counsel with Ms. Jyoti Tyagi, Adv. for L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
12.09.2017

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1. Counsel for the respondent/LAC seeks liberty to place on record the counter affidavit. Liberty granted. Counter affidavit is taken on record.
2. Petitioners seek a declaration that the suit lands i.e. khasra No. 409 min. (5-0), Village Jasola, Delhi are free from acquisition by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter referred to as "the Act").
3. In this case, notification under Section 4 of the Land Acquisition Act, 1894 was issued on 23.06.1989 followed by a notification under Section 6 on 22.06.1990. The award in respect of the acquired lands was made on 18.06.1992 (Award No.21/92-93).

4. The petitioners claim that the lands have been freed from acquisition since possession was not taken, and the compensation has not been paid either.

5. The appropriate Government through the LAC has filed its counter affidavit. The relevant extract of the counter affidavit reads as follows:

“6. That it is submitted that the lands of village Jasola were notified vide Notification under section 4 of the Land Acquisition Act dated 23.6.1989 which was followed by Notification under section 6 of the said Act vide Notification dated 22.6.1990. That the then Land Acquisition Collector passed an Award No. 21/92-93 dated 18.6.92 and the possession of the total land falling in khasra number 409 (14-15) was taken on 16.07.2007 after preparing Possession Proceeding on the spot and was handed over to the beneficiary department i.e. DDA immediately. The Naksha Muntazamin however did not contain any entry regarding payment of compensation whereas Statement-A is untraceable thus the exact status of payment of compensation cannot be ascertained or informed at this stage. The petitioners are claiming relief of 5 bigha in khasra number 409.”

6. From the above, it is clear that compensation in respect of the said land has not been paid in terms of the judgment in *Pune Municipal Corp. & Anr. v. Harakchand Misirimal Solanki & Ors.* (2014) 3 SCC 183.

Therefore, the writ petition is allowed to the extent that the suit lands i.e. khasra No.409 min. (5-0), Village Jasola, are declared as free from acquisition.

S. RAVINDRA BHAT, J

SEPTEMBER 12, 2017/kks

SUNIL GAUR, J