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

% *Date of Decision: 16th July, 2018*

+ **W.P.(C) 252/2017**

LALIT KAPUR

..... Petitioner

Through: Mr Bhagwat Pershad Gupta and
Mr Priyanshu Aggarwal, Advs

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr Yeeshu Jain, SC with Ms Jyoti
Tyagi, Adv for L&B/LAC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India whereby the petitioner seeks a declaration that the acquisition proceedings with respect to the land of the petitioner falling in khasra No. 521/1 Min measuring 14 biswas situated in the Revenue Estate of Village Kilokari, New Delhi (hereinafter referred to as the 'subject land') are deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as '2013 Act') as the compensation has not been tendered.

2. Learned counsel for the petitioner submits that the decision of the Constitution Bench would have no impact on the facts of the present case as the stand of the LAC is that compensation has not been tendered.

3. In the present case, a notification under Section 4 of the Land Acquisition Act was issued on 23.06.1989 and Section 6 declaration was made on 22.06.1990. Thereafter, an award bearing No. 14/92-93 was rendered on 19.06.1992. Admittedly the possession of the subject land was taken on 27.12.1990. It is the case of the petitioner that no compensation has been tendered.

4. Mr Jain, learned counsel for the LAC submits that actual physical possession of the subject land was duly taken on 27.12.1990 which fact is also admitted by the petitioner herein. However, he submits that as per the *Naksha Muntazamin* and Statement A, there is no entry regarding payment of compensation.

5. We have heard the learned counsel for the parties.

5. Para 4 of the counter affidavit filed by the LAC reads as under:-

“That the writ petition is liable to be dismissed as not only the actual vacant physical possession of the subject land falling in khasra number 521/1 min (0-14) was duly taken on 27.12.1990 on the spot by preparing possession proceeding on the spot and handed over to DDA which is being admitted by the petitioner as page 12 of the writ petition. The petitioner has not explained as to why it kept silent from the year 1990 till 2017 if the compensation was not actually paid to him or his father nor any application has been placed on record to suggest that the petitioner was aggrieved of non-payment of compensation. It is submitted that the petitioner is apparently trying to take advantage of ill kept revenue records and initiated present writ petition on basis of RTI

filed in the year 2015. As the case may be, as per NM and Statement-A does not bear any entry regarding the payment of compensation .”

7. Reading of the counter affidavit leaves no room for doubt that there is no entry in the *Naksha Muntazamin* or Statement A regarding payment of compensation to the petitioner. The award having been announced more than five years prior to the commencement of the 2013 Act, in our view, the petitioner is entitled to declaration that the acquisition proceedings in respect of the subject land are deemed to have lapsed. It is ordered accordingly.

8. Resultantly, the writ petition is disposed of in the above terms.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 16, 2018
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