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

+ W.P.(C) 302/2016

CHAHAT RAM Petitioner

Through: Mr.Arun Kumar Kaushik, Advocate

versus

UNION OF INDIA & ANR. Respondents

Through: Mr.Yeeshu Jain, standing counsel for
LAC/L&B with Ms.Jyoti Tyagi, Adv.
Ms.Mrinalini Sen Gupta and Ms.Niharika
Jauhari, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **03.10.2018**

1. This is a petition filed under Article 226 of the Constitution of India. The petitioner seeks a direction in the nature of Mandamus to the Land Acquisition Collector to pay the compensation amount in lieu of the acquired land bearing Khasra No.610 (05-12) situated in the revenue estate of village Kilokari, New Delhi.
2. In this case, a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') was issued on 23.06.1989. A notification under Sections 6 & 17 of the Act was issued on 22.06.1990 and thereafter, an Award bearing no.14/92-93 was rendered on 18.06.1992.
3. It is the case of the petitioner that an application was filed before the LAC on 12.06.2014 seeking payment of compensation. Thereafter, various efforts have been made including by visiting the office of the Land Acquisition Collector but the compensation has not been released to the petitioner. A counter affidavit has been filed by the LAC, wherein it has

been disclosed that the compensation pertaining to the land has been referred to the Reference Court under Sections 30-31 of the Act. Para 4 of the counter affidavit filed by the LAC reads as under:

“4. That the present writ petition is liable to be dismissed as the petitioner is not the recorded owner of the subject land and the name of the father of the petitioner along-with other persons has been shown as cultivator. The recorded owner of the subject land falling in khasra number 610 are Meda S/o Mula ½ share, Noor Mohammad S/o Alladia 1/4th share and Bhure S/o Chajju 1/4th share. The writ petition is further liable to be dismissed as memo of parties at page 6 reflects the name of Lal Chand as petitioner. It is submitted that khasra girdawari filed by the petitioner showed that his father was cultivator however the cultivation right cannot be claimed in succession and petitioner has not impleaded the recorded owners/their successors as necessary parties in the present writ petition. The petitioner has also suppressed the status of other cultivators/their successors/legal heirs. The writ petition is further liable to be dismissed as not only the actual vacant physical possession of the subject land falling in khasra number 610 (11-04) was duly taken on 27.12.90 on the spot by preparing possession proceeding on the spot and handed over to DDA whereas the petitioner is claiming the relief of (5-12). Qua compensation, there appears to be a dispute over the compensation, the same was referred to Reference Court u/s 30-31 of the Act, 1894 long back.”

4. In view of the stand taken by the LAC in the counter affidavit, no further relief can be granted to the appellant. Accordingly, the writ petition is dismissed. Needless to say that, as prayed, liberty is granted to the appellant to approach the Reference Court for an appropriate relief, if available.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 03, 2018/rb /