

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: August 30, 2018
+ W.P.(C) 378/2017

DHYAN SINGH AND ORS. Petitioners
Through: Mr. Gaurav Puri, Mr. Aditya Bali,
Ms. Tanya Chawla & ms. Neha
Bhutani, Advocates

Versus

UNION OF INDIA AND ORS. Respondents
Through: Ms. Saakshi Agrawal, Advocate
for respondent No.1-UOI
Mr. Rajiv Bansal, Senior Advocate
with Mr. Dhanesh Relhan,
Standing Counsel with Ms. Kajri
Gupta, Ms. Komal Sorout & ms.
Aprajita, Advocates for respondent
No.2-DDA
Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Advocate for
respondents No.3-LAC

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR
ORDER
(ORAL)

1. Petitioners seek a mandamus to respondent to hand over the title documents of Khasra Nos. 207/2(4-16), 108/2(2-17), 89/1(0-06), 253 (1-13), 312 (3-15), 255 (1-07) totaling Raqba/area 14-14 in village *Kondli, Shahadra Circle, Delhi (hereinafter referred to as the 'subject land')* while relying upon Rule 354 of the *Delhi Land Revenue Rules, 1962*. Demarcation of subject land and supply of certified copies of subject land to petitioners is also sought, as if this Court is a revenue court.

2. Rule 354 of the *Delhi Land Revenue Rules, 1962* deals with preparation of revenue record in the office of the concerned Deputy Commissioner. In respect to Shahadra portion, where the subject land is situated, aforesaid Rule provides that if there is no regular revision of record subsequent to the year 1309 *Fasli*, the record is to be retained for a period of fifteen years, if not already destroyed.

3. To maintain this petition, reliance is placed upon decision of 11th August, 2016 of a Division Bench of this Court in W.P.(C) 9242/2014, titled as *Dhyan Singh & ors. Vs. Union of India & ors.*, which grants benefit under Section 24(2) of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* to petitioner while noting that the admitted position is that the physical possession of the subject lands have not been taken by the land acquiring agency nor any compensation has been paid to petitioners in respect thereof.

4. In the counter affidavit filed, the stand taken by respondent-DDA is that the possession of the subject land has not been taken. However, the assertion of petitioners' counsel is that the title documents of the subject land were taken before passing of the Award, wherein name of petitioners appears.

5. Learned standing counsel for respondent No.3 maintains that the urgency clause was not invoked, and so, prior to passing of the Award, possession of the acquired lands was not taken. It is maintained that even thereafter, till date possession of subject land has not been taken.

6. In view of the stand taken as aforesaid, petitioners are relegated to seek the remedy before the revenue authorities to get the title documents

of the subject land updated. It is made clear that the applicability of Rule 354 of the *Delhi Land Revenue Rules, 1962* has not been gone into in these proceedings and it is for the concerned revenue authorities to consider the applicability of aforesaid Rule. It is also clarified that the delay aspect is left open, to be considered as and when petitioners approach the revenue authorities for getting the revenue records updated/corrected or while considering the demarcation aspect.

7. With aforesaid directions, this petition is disposed of.

A copy of this order be given *dasti* to counsel for the parties.

(SUNIL GAUR)
JUDGE

AUGUST 30, 2018

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