

\$~53

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

Date of Judgment :6th March, 2018

+ W.P.(C) 322/2016

SUSHIL CHAUHAN & ORS

..... Petitioners

Through

Mr. Raj Bahadur Singh, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through

Mr. Chiranjeev Kumar with Mr.
Mukesh Sachdeva, Advs. for UOI.
Ms. Astha Tyagi, Adv. for LAC.
Ms. Niharika Ahluwalia & Ms.
Anantika Singh, Advs. for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. This is a petition under Article 226 of the Constitution of India filed by the petitioners seeking a declaration that the acquisition proceeding with respect to land of the petitioners having half joint share comprised in Khasra nos.68 min (02-04), 68 min (0-05), total measuring 02 bighas 09 biswas, situated in the revenue estate of village Madanpur Khadar, Tehsil Mehrauli, Delhi (hereinafter referred to as the 'subject land') stands 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').
2. Counter affidavits have been filed by the respondents.
3. Counsel for the LAC submits that the present writ petition is liable to be dismissed as possession of the subject land was taken on 18.12.1980 and handed over to the DDA. Further as per the Naksha

Mutzamin, the compensation was paid to the recorded owner on 15.01.1981. However, the compensation with regard to Gopi S/o Ramji Lal was sent to the Court of ADJ. Paras 7 to 9 of the counter affidavit filed by the LAC read as under :-

“7. That Award No.87-88/80-81 was made on 29.11.1980 covering Khasra No.68 (02-04) also.

8. The possession of Khasra No.68 (02-04) was taken by the answering respondents on 18.12.1980 and was handed over to DDA for the purposes acquired.

9. That as per Naksha Mutzamin compensation was paid to the recorded owners namely Jeet Singh S/o Durga an amount of Rs.5,692.50/- on 15.01.1981 compensation on behalf of Gopi s/o Ramji Lal was sent to ADJ u/s 30-31. That in the present case possession has been taken and compensation has been paid to the respective recorded owners and hence there is no lapse attracting section 24 (2) of the New Act.”

4. At this stage, counsel for the petitioners wishes to withdraw this petition. He submits that after obtaining necessary documents with respect to the payment, if any available, he would approach the Court again.
5. Accordingly, the writ petition is dismissed as withdrawn. Leave, as prayed, is granted to the petitioner to approach the Court again, if averments made in the counter affidavit with regard to compensation sent to the Court of ADJ as per the LAC are incorrect.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J.

MARCH 06, 2018/ck