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

+ **W.P.(C) 338/2017**

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..... Petitioner

Through: Mr. Sunil K. Goel, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS

..... RespondentS

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for R-L&B, LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **13.11.2018**

1. A short question in this petition is whether the Petitioner is entitled to the compensation in respect of his respective shares in the acquired land forming part of khasra No. 489(13-4) situated in the Revenue Estate of Village Ghonda Gujran Khadar, Delhi arising out of Award No. 9/73-74 in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

2. In response to the notice issued in this petition, a reply has been filed by Respondent No. 2, the Land Acquisition Collector (LAC), stating *inter alia* that the award was passed on 5th June, 1973 and “actual vacant physical possession of the subject land” was duly taken on 21st June 1973 and handed over to the DDA on the spot by preparing possession proceedings. It is further stated that compensation for the said Khasra Nos. being disputed was sent to the reference Court on 12th February, 1974 under Section 30-31 of the Land Acquisition Act, 1894 and hence the answering Respondent has

duly discharged its obligation to make the compensation available for disbursement to the eligible owners/interested persons.

3. Learned counsel for the Respondents relies on the decision of this Court in ***Maya Devi v. Union of India 2017 LawSuit (Del) 6436***, where in similar circumstances it was held that the burden could not be shifted on the Land Acquisition Collector (LAC) to pursue the claimants asking them to collect the compensation by issuing notices. It was noted that in those cases, as in these cases, no attempt was made by any of the claimants to follow up with the matter or make any representation for compensation to be disbursed.

4. Having considered the above submissions, the Court is of the view that since even in the present case the compensation amount was deposited by the LAC in the reference Court way back on 12th February, 1974 and the Petitioner made no attempt to come forward with his claim till the year 2017, the Court cannot come to his assistance.

5. The petition is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 13, 2018/sapna