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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Judgment: 10th July, 2018*

+ W.P.(C) 3383/2016

NARVADA DEVI

..... Petitioner

Through: Mr.Akhil Sachar, Advocate.

versus

THE LT. GOVERNOR, NATIONAL CAPITAL TERRITORY OF
DELHI & ORS

..... Respondents

Through: Mr.R.K. Sharma, Adv. for LAC/L&B.

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 petitioner seeking a declaration that the acquisition proceedings pertaining to land of the petitioner measuring 504 sq. yards out of Khasra No.49/14 situated in the area of Village Pehladpur Bangar, National Capital Territory of 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 neither physical possession of the subject land has been taken nor the compensation has been tendered to the petitioner.

2. Counsel for the petitioner submits that in this case, a notification under Section 4 of the Land Acquisition Act 1894 was issued on 21.03.2003, Section 6 declaration was made on 19.03.2004 and thereafter an award bearing No.06/2005-06/DC(N-W) was rendered on 27.06.2005 and 12.07.2005. Reliance is placed on para 6 of the counter affidavit filed by the LAC wherein the averments have been made that neither the compensation has been paid to the petitioner nor the possession of subject land has been taken.

3. We have heard learned counsel for the parties. The relevant portion of para 6 of the counter affidavit filed by the LAC reads as under:-

“6.As per the record maintained by the answering respondent neither the compensation has been paid nor the possession has been taken by the authorities”.

4. Reading of the counter affidavit filed by the LAC leaves no room for doubt that neither the compensation has been paid to the petitioner nor the possession of subject land has been taken and thus, the necessary ingredients of Section 24(2) of 2013 Act are accordingly met.

5. Having regard to the submissions made and the stand taken by the LAC in the counter affidavit that neither the physical possession has been taken nor the compensation has been tendered and since the award having been announced more than five years prior to the commencement of 2013 Act, the case of the petitioner is covered by the provisions of Section 24(2) of 2013 Act and thus, the petitioner is entitled to a declaration that the acquisition proceedings with regard to the subject land are deemed to have lapsed. It is ordered accordingly. However, petitioner would only be entitled to compensation as per 2013 Act.

6. In above terms, the writ petition stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 10, 2018
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