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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Judgment : 06th February, 2018

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W.P.(C) 7239/2016

RAVI DUTT SHARMA AND ANR.

..... Petitioners

Through: Mr. Raj Kumar Chandiwal, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Nikita Salwan, Advocate for DSIIDC
Mr. Yeeshu Jain, Standing Counsel for
LAC/L&B with Ms. Jyoti Tyagi,
Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. By the present writ petition filed under Article 226 of the Constitution of India, the petitioners seek a declaration that the acquisition proceedings with respect to the land of the petitioners i.e. agricultural land in village Karala in Rectangle No. 37/1 Khasra Nos. 6/1 (0-04), Khasra No. 38/1/2 (2-16), 2/1 (0-7), Khasra No. 38 2/2 (4-9) 3 (4-9), 9/1 (3-16), 10 (4-12), Khasra No. 38/1 9/2 (1-0), 11/2 (4-9), 12/1 (3-16) (hereinafter referred to as 'Subject Land'), has 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 the compensation has been paid nor the physical possession has been taken.

2. In this case, a notification under Section 4 of the Land Acquisition Act, 1894 was issued on 25.08.2005. A declaration under Section 6 of the said Act was made on 10.07.2006 and thereafter an award was pronounced by the Land Acquisition Collector on 26.05.2008 with respect to 1905 Bighas 05 Biswa of land in Village Karala.
3. Learned counsel for the petitioner submits that the case of the petitioner is fully covered by the decision rendered by the Apex Court in *Pune Municipal Corporation & Anr. V. Harak Chand Misiri Mal Solanki & Ors.*, reported in (2014) 3 SCC 183, as neither compensation has been paid nor possession has been taken.
4. Counter affidavit has been filed by the LAC as also by DSIIDC, the beneficiary department.
5. According to the counter affidavit filed by LAC, the physical possession of the subject land has been taken and compensation has been tendered to the owners of the land.
6. Ms. Salwan, learned counsel appearing for DSIIDC has drawn the attention of the Court to paras 7 to 12 of the counter affidavit to show that physical possession of the subject land has been taken and compensation has been tendered to the petitioners by cheque Nos. 733946 and 733947 both dated 15.04.2009 for Rs.39,95,182/- each.
7. Ms. Salwan submits that vide order dated 01.10.2008, the Government of NCT of Delhi decided to give Special Rehabilitation Package for the people affected by land acquisition and enhanced compensation was given to the petitioners to

rehabilitate themselves. She further submits that the petitioners denied the benefit of Special Rehabilitation Package and received additional compensation vide cheque Nos. 929512 and 929513 both dated 13.12.2011 for Rs.34,86,146/- each.

8. Ms. Salwan further submits that after taking possession of the subject land for public purpose of '*Developing New Industrial Area*', the DSIIDC in order to protect the land from encroachment, awarded the work of construction of boundary wall around the acquired land and executed an agreement No. DSIIDC/CPM (CD-VIII)/Actts./2010-2011/01 dated 04.05.2011. Photographs showing the construction of boundary wall have also been annexed along with the counter affidavit.
9. Ms. Salwan further submits that as per the undertaking furnished by the petitioners at the time of receiving the payment of Special Rehabilitation Package having given up their all rights make it abundantly clear that they are not in possession of the subject land.
10. At this stage, Mr. Chandiwal, learned counsel for the petitioner wishes to withdraw the present petition.
11. Accordingly, the present writ petition is dismissed as withdrawn.

G. S. SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 06, 2018

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