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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6868/2016

JAWAHAR LAL GUPTA (Dead) through LRs & Ors.

..... Petitioners

Through: Mr Anish Mittal, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Ms Arti Bansal and Mr Ashutosh
Nandan, Advocates for DDA.
Mr Yeeshu Jain, Standing Counsel for
LAC.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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20.11.2018

1. It was brought to the notice of the Court that the counter affidavit of W.P.(C) No.6868/2016 has been inadvertently placed on the file of W.P.(C) No.6888/2016. They have now been correctly placed in the respective files.

2.This writ petition concerns the acquisition proceedings pertaining to land admeasuring 6 bighas and 18 biswas comprised in Khasra Nos. 208 (0 bigha 15 biswa), 237 (4 bigha 4 biswa), 238 (1 bigha 15 biswas), situated in revenue estate of village Shakarpurkhas, East Delhi Tehsil, Delhi.

3. The Petitioners seek a declaration that the said acquisition proceedings have lapsed in view of Section 24(2) of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation, and Resettlement Act 2013.

4. A counter affidavit has been filed by the LAC in which it is not disputed that physical possession has not been taken. In para 4 of the counter affidavit, it is stated that Award No.7/69-70 was passed on 26th July 1969. However, “possession of the subject land falling in khasra number 208 (0-15), 237 (4-04) and 238 (1-15) could not be taken nor compensation could be paid to the Petitioners”.

5. In that view of the matter, the Court issues a declaration that the aforementioned land acquisition proceedings have lapsed.

6. The writ petition is disposed of.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 20, 2018

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