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

+ **W.P.(C) 8123/2014**

SAMBHAV JAIN & ORS.

..... Petitioner

Through: Mr. D.V. Khatri, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ajay Digpaul, CGSC with Ms. Madhuri Dhingra, Advocate with Respondent No.1.

Sh. Dhanesh Relan, Standing Counsel, DDA with Mr. Rajeev Jha and Ms. Gauri Chaturvedi, Advocates.

Mr. Yeeshu Jain, Advocate with Ms. Jyoti Tyagi, Advocate for L&B/LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

10.12.2018

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1. In the present petition, the prayer is that the acquisition proceedings in respect of lands situated in the Revenue Estate of Village Khera Khurd, North West Delhi in Khasra Nos. 109//1 (4-16), 10/1 (1-0), 10/2 (3-14), 11 (4-12), 110//5 (4-13), 6 (4-16), 7 (4-8), 13/2 (3-7), 14 (4-9), 15 (4-9) have lapsed in view of the Section 24 (2) of the 2013 Act.

2. The admitted facts are that the acquisition proceedings commenced with a notification under Section 4 of the Land Acquisition Act, 1894 (LAA) dated

21st March, 2003 followed by the declaration under Section 6, LAA of 19th March, 2004 and culminating an Award No. 05/2005-2006/DC (N-W).

3. The admitted position is that the entire acquisition was for the ‘planned development of Delhi’ that is ‘for Rohini Residential Scheme.’

4. The case of the Petitioner is that they did receive compensation pursuant to the aforementioned award on the lands in question but that the possession of the lands continued to remain with them.

5. The fact that they have been paid compensation is evident from the affidavit filed by the LAC on 2nd January, 2018 stating that compensation was paid at the rate of Rs. 15,17,000 per acre. The total amount paid to the Petitioners way back in 2005 was Rs. 29,72,805, Rs. 73,47,241 and Rs. 73,47,241 respectively.

6. With this view, the question then arises is whether the Petitioners are entitled to relief as claimed?

7. The admitted position is that this acquisition was for the public purpose of the Rohini Residential Scheme. These acquisitions are now subject matter of the Petitioner in the SLP in the Supreme Court being SLP (Civil) Nos. 16385-88/2012 (***Rahul Gupta v. Delhi Development Authority & Ors***). A series of interim orders is made in these matters by the Supreme Court from time to time. In the last of such interim orders i.e. 18th October, 2016, the Supreme Court did not confine the orders to certain sectors of Rohini but to

all of the acquisitions of lands relating to the Rohini Residential Scheme. The specific direction in the order dated 18th October, 2016 “We grant liberty to the Delhi Development Authority to produce a copy of this order in **all matters, pertaining to land acquisition relating to the Rohini Residential Scheme** pending before the High Court, for vacation of similar interim directions.” (emphasis supplied)

8. It was further clarified by the Supreme Court as under:

“It is made clear that in case the applicants have re-entered possession or otherwise, they shall vacate the said land and hand over its possession forthwith to the Delhi Development Authority, failing which it shall be assumed to be in possession of the Delhi Development Authority, after the expiry of ten days from the passing of the instant order.”

9. The plea of the Petitioner that the aforementioned directions of the Supreme Court in ***Rahul Gupta v. Delhi Development Authority & Ors*** (*supra*) do not apply to the lands in question, therefore, cannot be countenanced in view of the above clear directions of the Supreme Court.

10. The fact that the Petitioners have continued to remain in possession of the lands in question is also of no help. In view of the directions of the Supreme Court they are supposed to hand over possession forthwith to the Delhi Development Authority “failing which it shall be assumed to be in possession of the Delhi Development Authority after the expiry of the 10 days from the passing of the order dated 18th October, 2016.”

11. Consequently, it is not possible for the Court to grant any relief

whatsoever to the Petitioners.

12. The interim order is vacated and the petition is dismissed.

S.MURALIDHAR, J

SANJEEV NARULA, J

DECEMBER 10, 2018

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