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

+ **W.P.(C) 8349/2016**

SHELLY AND ORS

..... Petitioner

Through Mr. Vishal Maan & Mr. Sumit Singh,
Advocates

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through Mr. Pawan Mathur, Standing counsel
for Respondent/DDA
Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha, Mr. Kushal Raj Tater,
Mr. M.S.Akhtar and Mr. Shashi Kant
Maurya, Advocates for Respondent/L
& B/LAC

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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01.11.2018

1. Learned counsel for the Petitioner informs the Court that although it is stated in para 9 of the counter-affidavit dated 6th March 2018 filed on behalf of Respondent Nos. 1 and 2 that possession of the questioned land was taken on 31st December 2013 and handed over to the DDA, the possession continued to remain with the Petitioners. He has drawn attention to the observations of the Supreme Court in para 15 of the decision in *Magnum Promoters Pvt. Ltd. v. Union of India AIR 2015 SC 444* where, in a similar circumstance, where the land was located in village Rangpuri, the Supreme Court disbelieved a possession certificate dated 31st December 2013 as

being contrary to “Kabza Karyavahi (possession taking over proceedings)”, since there was no demolition squad available on that date to enable taking over of possession.

2. Be that as it may, there is a clear admission by the LAC in para 9 of the affidavit that compensation has not been paid in respect of the land which is the subject matter of acquisition proceedings.

3. In the circumstances, it is declared that the acquisition proceedings in respect of the land in khasra nos. 775 min (1-04), 757/1 min (1-0), 775 min (1-04) admeasuring 3 bighas 8 biswas, situated in Revenue Estate of Village Malikpur Kohi @ Rangpuri, New Delhi, have lapsed in view of section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013

4. The petition is allowed in the above terms.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 01, 2018

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