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

% *Date of Judgment: 13th August, 2018*

+ W.P.(C) 4246/2017
RAJESH JINDAL

..... Petitioner

Through Mr. Anil K. Aggarwal, Advocate.
versus

UNION OF INDIA

..... Respondent

Through Mr. Pradeep Kumar Jha, Advocate for
UOI.
Mr. Rajneesh Sharma, Advocate, for
LAC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. This petition has been filed by the petitioner under Article 226 of the Constitution of India seeking a declaration that the acquisition proceedings initiated in respect of the land of petitioners comprised in Khasra no.35/3 min measuring 1 bigha 4-1/4 biswas, situated in the revenue estate of village Rani Khera, 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 the '2013 Act'), as neither the compensation has been tendered to the petitioner nor physical possession of the subject land has been taken.
2. In this case, a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') was issued followed by

a Section 6 declaration. An Award bearing no.08/2005-06 was rendered on 28.06.2005.

3. Counsel for the petitioner submits that in this case neither compensation has been tendered to the petitioner nor possession of the subject land has been taken.
4. Counter affidavit has been filed by the LAC. Para 6 of counter affidavit filed by the LAC read as under:

“4. That Khasra No.35//3 total admeasuring 4 bighas 16 biswas situated at the revenue estate of village Rani Khera, New Delhi were notified under section 4 of Land Acquisition Act and followed by declaration under section 6 of Land Acquisition Act for public purpose i.e. for planned development of Delhi. In pursuance of said notification, notices under section 9 & 10 as provided under the Act, were issued to the interested persons, inviting the claims from all the interested persons and claims were also filed by the interested persons. The then Land Acquisition Collector passed Award No.08/2005-06 dated 28.06.2005 after Collector passed Award no.08/2005-06 dated 28.06.2005 after considering the claims of the claimants. It is submitted that as per the records of the respondent neither the possession of the lands being subject matter of this petition nor the compensation has been paid to the petitioner.”

5. We have heard the learned counsels for the parties and considered their rival submissions.
6. Reading of the counter affidavit filed by the LAC leaves no room for doubt that neither possession of the subject land has been taken nor compensation has not been tendered to the petitioner and thus, the

necessary ingredients of Section 24(2) of 2013 Act are accordingly met.

7. Having regard to the fact that no compensation has been tendered to the petitioner and also possession of the subject land has not been taken and since the Award having been announced more than five years prior to the commencement of the 2013 Act, the case of the petitioner is covered by the provisions of Section 24(2) of the 2013 Act, thus, the petitioner is entitled to a declaration that the acquisition proceedings initiated under the Land Acquisition Act, 1894 with regard to the subject land are deemed to have lapsed. It is ordered accordingly.
8. The writ petition stands disposed of.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

AUGUST 13, 2018

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