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

\+ **W.P.(C) 8394/2016**

BRAHAM PAL ..... Petitioner

Through: Mr. Sunil K. Goel, Advocate with Mr. Lalit Kumar Rawal, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS ..... Respondents

Through: Sh. Dhanesh Relan, Standing Counsel with Mr. Rajeev Kumar Jha and Ms. Komal Sarout, Advocates for DDA.
Mr. Sanjay Kumar Pathak, Advocate with Mr. Sunil Kumar Jha and Mr. Kushal Raj Tater, Advocates for LAC/L&B/GNCTD.
Ms. Madhu Sudan Bhayana, Advocate for Respondent No.4.

And

\+ **W.P.(C) 8453/2016**

CHANDER PAL ..... Petitioner

Through: Mr. Sunil K. Goel, Advocate with Mr. Lalit Kumar Rawal, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS ..... Respondents

Through: Sh. Dhanesh Relan, Standing Counsel with Mr. Rajeev Kumar Jha and Ms. Komal Sarout, Advocates for DDA.
Ms. Madhu Sudan Bhayana, Advocate for Respondent No.4.

And

\+ **W.P.(C) 8454/2016**

CHOKHA RAM TIWARI ..... Petitioner

Through: Mr. Sunil K. Goel, Advocate with Mr. Lalit Kumar Rawal, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS ..... Respondents

Through: Sh. Dhanesh Relan, Standing Counsel with Mr. Rajeev Kumar Jha and Ms Komal Sarout, Advocates for DDA.
Ms. Madhu Sudan Bhayana, Advocate for Respondent No.4.

And

\+ **W.P.(C) 8481/2016**

OM PRAKASH ..... Petitioner

Through: Mr. Sunil K. Goel, Advocate with Mr. Lalit Kumar Rawal, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS ..... Respondents

Through: Sh. Dhanesh Relan, Standing Counsel with Mr. Rajeev Kumar Jha and Ms. Komal Sarout, Advocates for DDA.
Ms. Madhu Sudan Bhayana, Advocate for Respondent No.4.

And

\+ **W.P.(C) 8506/2016**

JAYPAL SHARMA ..... Petitioner

Through: Mr. Sunil K. Goel, Advocate with Mr. Lalit Kumar Rawal, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS ..... Respondents

Through: Sh. Dhanesh Relan, Standing Counsel with Mr. Rajeev Kumar Jha and Ms. Komal Sarout, Advocates for DDA.
Mr. Sanjay Kumar Pathak, Advocate with Mr. Sunil Kumar Jha and Mr. Kushal Raj Tater, Advocates for LAC/L&B/GNCTD.
Ms. Madhu Sudan Bhayana, Advocate for Respondent No.4.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

ORDER

% **03.12.2018**

1. With the consent of parties, these petitions were finally heard. Although they were taken up separately for hearing, they are being disposed of by this common order, as they involve the same land acquisition proceedings.

2. These petitions pertain to acquisition of land in Khasra Nos. 278 (01-15) and 282/1 (2-5) admeasuring 4 bighas in respect of the Petitioner's 1/8th share located in the revenue estate of Village Ghonda Gujaran Khadar, Shahdara, Delhi.

3. The prayer is that a declaration should be issued that the land acquisition proceedings in respect of the Petitioners' respective share in the above 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. The Petitioners rely upon the decision dated 9th October, 2017 passed by this Court in Writ Petition (Civil) 8718/2016 ***(Ajit Singh v. Govt of NCT of Delhi & Ors)*** where in respect of identical acquisition proceedings, such a declaration was issued.

4. From a perusal of the said order, it is seen that the plea was taken by the Government of NCT of Delhi before this Court that possession of the land in question was taken over and handed over to the beneficiary department on 21st March, 2017. It was further stated that:

> "However, the compensation amount is not paid. As per Naksha Muntazameen the above said lands are Gaon Sabha land. The Petitioner is not recorded owner of the above said land."

5. In para 5 of the order, the Court noted that *"there is no material on record to substantiate the plea that the lands in question were owned by Gaon Sabha."*

6. Thereafter, relying on the decision of Supreme Court in ***Pune Municipal Corporation v. Harakchand Misirimal Solanki (2014) 3 SCC 183***, this Court held that with possession having been taken over and no compensation having been paid or tendered to the Petitioners in that case or deposited, the land acquisition proceedings to the extent of the 1/8th and 1/12th shares of the two Petitioners were deemed to have lapsed.

7. As far as the present petitions are concerned, an order was passed by this Court on 23rd October, 2017 impleading the Gaon Sabha as the Respondent. Notice was also issued to the Delhi Government. Pursuant thereto, the Gaon Sabha appeared before this Court and also filed a counter affidavit dated 2nd February, 2018 enclosing a copy of the Khasra for 1991 and 1994 showing that the land in acquisition actually belonged to the Gaon Sabha.

8. The said counter affidavit is taken on record. With the copies of the official records showing the Gaon Sabha as the owner having reproduced before the Court, the factual position is that as at present the Petitioners are not the recorded owners and cannot be recognised as such. In that view of the matter, with the Petitioners' title to the land in question being disputed, it is for them to seek appropriate remedy in accordance with law, first to establish their ownership of the land failing which, the question of granting the relief as prayed for in the present petitions does not arise.

9. In light of the above developments, learned counsel for the Petitioners seeks leave to withdraw these writ petitions.

10. The petitions are dismissed as withdrawn.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

DECEMBER 03, 2018
SS