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

% *Date of Decision: 2nd May, 2018*

+ W.P.(C) 8518/2016

SURENDER SINGH

..... Petitioner

Through: Mr Sunil K. Goel, Mr R.B. Sisodia
and Mr Babblu Singh, Advs

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr Yeesu Jain, SC and Ms Jyoti
Tyagi, Adv for LAC/L&B

Mr Sanjeev Sabharwal, SC for DDA
with Ms Simmee Kumari and Mr Hem
Kumar, Advs

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India whereby the petitioner seeks a declaration that the acquisition proceedings pertaining to land falling in khasra No. 392/96 measuring 1 bigha 2 biswas situated in Village Masood Pur, District South West, New Delhi (hereinafter referred to as the 'subject land') is deemed to have lapsed in view of the provisions of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013 (hereinafter referred to as '2013 Act') as neither physical possession has been taken nor compensation has been tendered. It is contended by the learned counsel for the petitioner that in this case a Section 4 notification was issued on 23.01.1965. Thereafter, Section 6 declaration was made on 26.12.1968 and an award was rendered on 22.12.1980 being Award No. 90/1980-81. The counsel for the petitioner submits that since neither physical possession of the subject land was taken nor compensation tendered, the case of the petitioner would be fully covered by the provision of Section 24(2) and the decision of the Constitution Bench would have no impact on the present case.

2. Mr. Jain, learned counsel for the LAC, relies upon paragraphs 4 and 5 of the counter affidavit which has been filed. Mr. Jain contends that after the issuance of Notifications under Sections 4 and 6, no award could be passed with respect to the subject land as a school exists at the site. Accordingly, it is submitted that no further orders are required to be passed in this writ petition.

3. Mr. Goel, learned counsel for the petitioner, however, contends that the land of the petitioner forms part of the award but since a categorical stand has been taken, Sections 4 and 6 notifications are also liable to be quashed as even otherwise the award has not been rendered within the statutory period of two years from the date of the Section 6 declaration. This position is not disputed by learned counsel appearing for the LAC.

4. Accordingly, for the reasons stated above, the writ petition is allowed. The Sections 4 and 6 notifications are quashed with respect to the land of the

petitioner comprised in Khasra No. 392/96 measuring 1 bigha 2 biswas situated in Village Masood Pur, District South West, New Delhi.

5. The writ petition is disposed of in the above terms.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 02, 2018
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