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

Date of Judgement: 1st February, 2018

+ **W.P.(C) 591/2015**

OM PRAKASH & ORS.Petitioners

Through: None.

Versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Bhagvan Swarup Shukla, CGSC with
Mr. Kamaldeep, Advocate for UOI.

Mr. Yeeshu Jain, Standing Counsel for
LAC/L&B with Ms. Jyoti Tyagi, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S. SISTANI, J. (Oral)

1. None has been appearing for the petitioner despite the matter has been passed over once and called for the second time.
2. This is a petition under Article 226 of Constitution of India filed by the petitioner seeking a declaration that the acquisition proceedings with respect to land of the petitioners comprised in Khasra No.43, measuring 3 Bigha 12 Biswas, situated in the revenue estate of Village Mahipalpur, New Delhi (hereinafter referred as the '**Subject Land**') stand lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013 (hereinafter referred to as '**2013 Act**') as the compensation has not been tendered.

3. A Section 4 notification of the Land Acquisition Act, 1894 (hereinafter referred to as '**the Act**') was issued on 23.01.1965. A declaration under Section 6 of the Act was made on 07.12.1966. Thereafter, an Award bearing No. 2182-C (Supp.) was passed by Land Acquisition Collector on 29.04.1974.
4. It is the case of the petitioner that the compensation with respect to subject land has not been paid even though the possession of the subject land has been taken over.
5. Mr. Jain , learned counsel appearing for LAC has drawn the attention of the Court to para 4A of the counter affidavit, which reads as under:

"4. That it is submitted that the lands of village Malik Pur Kohli @Rangpuri were notified vide Notification under Section 4 of the Land Acquisition Act, 1894 dated 23.1.1965 which was followed by the Notification under Section 6 of the Act dated 7.12.1966. The Award was also passed vide Award No. 2182-C (Supp) dated 29.4.1974. The actual vacant physical possession of the subject land falling in khasra number 43 (3-12) in village Mahipal Pur was taken on the spot vide possession proceedings dated 4.10.1974 and the compensation for the said land has also been paid to the recorded owner/s on 8.1.1975 as recorded in the Naksha Muntazamin."

6. Having regard to the fact that the possession of the subject land has been taken on 04.10.1974 and the compensation has also been paid to the recorded owners on 08.1.1975, the acquisition proceedings qua the

subject land stand completed. Hence, we are of the view that the present petition lacks merit. Since, none is present on behalf of the petitioner, the present writ petition is dismissed for non appearance and non prosecution.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J.

FEBRUARY 01, 2018

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