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

Date of Judgment :12th February, 2018

+ W.P.(C) 6277/2015

RAJENDRA SINGH

..... Petitioner

Through Mr. Sandeep Srivastava with Mr.
Yuvraj Mishra, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

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

Mr. Parvinder Chauhan & Mr. Nitin
Jain, Advocates for R-3/DUSIB.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. With consent of the parties, the present writ petition is set down for final hearing and disposal.
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 petitioner comprised in Khasra no.24/7 (4-0), situated in the revenue estate of village Ghevra, Tehsil North West, Delhi (hereinafter referred to as the 'subject land') stands 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 neither compensation has not been tendered to the petitioner nor possession has been taken.

3. In this case, a notification under section 4 of Land Acquisition Act, 1894 ('the Act' in short) was issued on 06.02.2003 and a declaration under section 6 of the Act was made on 30.04.2004. Thereafter, an award bearing no.6/2004-05 was passed on 26.06.2004.
4. Mr. Jain, counsel for LAC has placed reliance on para 4 of the counter affidavit and submits that in this case neither physical possession of the subject land has been taken nor compensation has been tendered.

Para 4 of the counter affidavit filed by LAC reads as under :-

“4. That it is submitted that the lands of village Ghevra were notified vide Notification under section 4 of the Land Acquisition Act, 1894 dated 06.02.2003 which was followed by the Notification under section 6 of the Act dated 30.04.2003. The Award was also passed vide Award No.06/03-04 dated 26.6.2004. It is submitted that however the possession of the subject land falling in khasra number 24//7 min (4-00) could not be taken nor the compensation could be paid whereas for remaining part of the said khasra number i.e. 16 biswa, the compensation stood paid to the petitioner.”

5. Counsel for the petitioner submits that in view of section 24 (2) of 2013 Act, the acquisition proceedings are deemed to have lapsed as admittedly neither possession of the subject land has been taken nor compensation has been tendered to the petitioner.
6. We have heard learned counsel for the parties. Reading of the counter affidavit filed by LAC leaves no room for doubt that in this case neither possession has been taken nor compensation has been tendered to the petitioner. Thus, the petitioner would be entitled to a declaration in view of section 24 (2) of 2013 Act that the acquisition proceedings

with respect to the subject land would deem to have lapsed. Resultantly, the writ petition is allowed. It is declared that the acquisition proceedings with respect to the subject land stand lapsed.

7. The writ petition is disposed of.

CM APPL 11409/2015 (stay)

The application stands disposed of in view of order passed in the writ petition.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J.

FEBRUARY 12, 2018/ck/