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

+ **W.P.(C) 5462/2017**

HUKUM CHAND & ORS

..... Petitioner

Through: Mr. M.P. Bhargava, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Nazia Parveen, Advocate with
Mr. Sanjeev Sagar, Advocate for
DDA.

Ms. Ruchika Rathi, Advocate with
Mr. Karanjot and Mr. Subhalakum
Sen, Advocates for LAC.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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29.11.2018

1. The prayer in the present petition is for a declaration that the acquisition proceedings in respect of land admeasuring 2 *bigha* 7 *biswa* of the Petitioners comprised in Khasra No.30/17/2, situated in the revenue estate of Village Matiala, NCT of Delhi, has lapsed in view of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 ('LAA 2013').

2. The counter affidavit filed by the LAC, Southwest District states *inter alia* that Statement 'A' has not been handed over by the LAC (West) in spite

of requests made by letters dated 11th July 2017, 16th January 2018, and 20th August 2018.

3. It is further arrayed that “it transpired that the Statement-A is even not traceable in the office of District West”. It is, thereafter, stated that “this answering Respondent is unable to provide the details of payment, whether made or not, towards the Petitioners/Recorded owner’.

4. In similar circumstances, where the Respondents have been unable to produce official records to show payment of compensation, the Court has proceeded on the basis that compensation has not been paid.

5. The Award in this case is dated 27th January 1984. The Petitioners have further asserted that the Petitioners are still in physical possession of the land in question.

6. In the circumstances, the petition is allowed and a declaration is issued that the aforementioned land acquisition proceedings have lapsed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 29, 2018

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