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

% *Date of Judgment: 28th August, 2018*

+ W.P.(C) 5633/2017 and CM No. 23564/2017

RAVINDER KUMAR

..... Petitioner

Through: Mr Sunil K. Goel and Mr Lalit Kumar
Rawal, Advs

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr Yeeshu Jain, SC with Ms Jyoti
Tyagi, Advs for L&B/LAC
Mr Venkatesan, Adv for DDA

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. This is a petition under Article 226 of the Constitution of India filed by the petitioner seeking a declaration that the acquisition proceedings with respect to the land of the petitioner comprised in Khasra No. 578 (1-16) and 583/2 (0-4) total measuring 2 bighas, situated in the revenue estate of Village Gokulpur, Delhi (hereinafter referred as the 'subject land') resulting from Award No. 2004/1967 dated 29.09.1967 be declared as null and void and also be deemed to have lapsed in view 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 of the subject land has been taken nor compensation has been paid to the petitioner.

2. In this case, a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act') was issued on 24.10.1961 and a declaration under Section 6 was made on 01.08.1966. Thereafter, an award bearing no. 2004/1967 was passed on 29.09.1967 under Section 11 of the Act.

3. The learned counsel for the petitioner submits that since the actual physical possession of the subject land has not been taken and compensation in respect thereof has not been paid, thus the petitioner would be entitled to a declaration under Section 24 (2) of the 2013 Act.

4. Mr Yeeshu Jain, learned counsel for the LAC submits that the present writ petition is not maintainable as the land in question has not been acquired and thus no orders are required to be called for. He relies on para 4 of the counter affidavit, which we reproduce below:-

“That it is submitted that the lands of village Gokulpur were notified vide Notification under Section 4 of the Land Acquisition Act, 1894 dated 24.10.1961 which was followed by the Notification under Section 6 of the Act dated 01.08.1966. The Award was also passed vide Award No. 2004/1967 dated 29.09.1967. The khasra number 578 (1-16) and 583/2 (0-04) are not acquired as per LR register.”

5. We have heard the learned counsels for the parties.

6. As per the counter affidavit filed by the LAC the subject land has not been acquired vide Award No. 2004/1967 dated 29.09.1967. Hence, no orders are required to be passed.

7. Binding the respondent to the stand taken in the counter affidavit, the writ petition along with the pending application is disposed of.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

AUGUST 28, 2018 / SU