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

% *Date of Judgment: 24th September, 2018*

+ W.P.(C) 7144/2015

RANBIR SINGH & ORS

..... Petitioners

Through

Mr. Rajeev Verma, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through

Mr. Rajesh Gogher, CGSC for UOI.

Mr. Siddharth Panda, Advocate for
LAC/L&B.

Mr. Dhanesh Relan, Advocate 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 petitioners seeking a declaration that the acquisition proceedings pertaining to land of the petitioners comprised in Khasra nos.91 (06-08), 93/1 (01-03), 94/1 (02-08), 118 (04-16), 122/3 (01-04), 123 (04-16), 124 (05-06), 125 (04-16), 126/1 (02-08), 129/2 (02-08), 130 (04-16), 131 (00-14), 132 (03-09), 133 (02-13), 134 (04-16), 135/1 (02-10), 136 (4-16), 138/1 (02-10), 139/2 (02-16), 160/1 (03-16), 163 (04-04), 164 (04-00), 165 (04-16), 166 (04-16), 201 (04-16), 203 (04-16), 204 (01-18), total measuring 97 bighas and 15 biswas, situated in the revenue estate of village Rajpur Khurd, Tehsil Hauz Khas, Mehrauli, New Delhi (hereinafter referred to as the 'subject land') are 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, as neither physical possession of the subject land has been taken nor compensation has been tendered to the petitioners.

2. Reliance is placed by Mr. Panda, counsel for the LAC on para 9 of the counter affidavit filed by him, which reads as under :

NAME	AWARD NO.	AMOUNT	REMARKS
Randhir Singh	22/87-88	92857.08	Paid Dt. 21.08.1987
Mohan Singh	22/87-88	92857.09	Paid Dt. 20.08.1987
Ranbir Singh	22/87-88	92857.09	Paid Dt. 20.08.1987
Satbir Singh	22/87-88	34281.41	Paid Dt. 21.08.1987
Rajbir Singh	22/87-88	34821.40	Paid Dt. 28.08.1987
Rambir Singh	22/87-88	34821.40	Paid Dt. 25.08.1987
Prem Chand	22/87-88	139285.63	Paid Dt. 25.08.1987
Raghubir Singh	22/87-88	69642.81	Paid Dt. 24.08.1987
Sukhbir Singh	22/87-88	69642.81	Paid Dt. 24.08.1987
Parsh Ram	22/87-88	208928.44	Paid Dt. 24.08.1987
Bhagwana	22/87-88	208928.44	Paid Dt. 25.08.1987
Lal Chand	22/87-88	139285.61	Paid Dt. 28.08.1987
Jai Lal	22/87-88	139285.61	Paid Dt. 28.08.1987
Anand Singh	22/87-88	69642.80	Paid Dt. 25.08.1987
Girdhari Singh	22/87-88	69642.81	Paid Dt. 20.08.1987
Sultan	22/87-88	139285.61	Paid Dt. 31.08.1987
Partap Singh	22/87-88	111428.51	Paid Dt. 25.08.1987
Ram Phool	22/87-88	22285.70	Paid Dt. 28.08.1987
Samunder Singh	22/87-88	22285.70	Paid Dt. 31.08.1987
Ajit Singh	22/87-88	22285.70	Paid Dt. 27.08.1987
Jai Pal Singh	22/87-88	55714.26	Paid Dt. 25.08.1987
Dalip Singh	22/87-88	55714.25	Paid Dt. 25.08.1987
Lakhi Ram	22/87-88	111428.51	Paid Dt. 25.08.1987
Chander Singh	22/87-88	111428.51	Paid Dt. 25.08.1987
Kanwar Bhan	22/87-88	38690.46	Paid Dt. 27.08.1987
Parbhu	22/87-88	38690.45	Paid Dt. 07.09.1987
Nar Singh	22/87-88	38690.45	Paid Dt. 07.09.1987
Mahender Singh	22/87-88	38690.45	Paid Dt. 31.08.1987

Smt. Murti	22/87-88	38690.45	Paid Dt. 28.08.1987
Knwar Bhan	22/87-88	7738.09	Paid Dt. 27.08.1987
Parbhu	22/87-88	7738.09	Paid Dt. 28.08.1987
Nar Singh	22/87-88	7738.10	Paid Dt. 07.09.1987
Mahender Singh	22/87-88	7738.09	Paid Dt. 31.08.1987
Smt. Murti	22/87-88	7738.09	Paid Dt. 28.08.1987
Umed Singh	22/87-88	116071.35	Paid Dt. 27.08.1987
Dharam Pal	22/87-88	116071.35	Paid Dt. 27.08.1987
Bhim Kaur	22/87-88	46428.55	Paid Dt. 28.08.1987

3. Mr. Panda, counsel for the LAC submits that even as per petitioners, averments have been made in para 5 of the writ petition that the compensation has been returned/deposited back in the office of Land Acquisition Collector (LAC) by the petitioners and their predecessors, counsel submits that since the compensation has been tendered to the petitioners, no relief can be granted in favour of the petitioners.
4. Counsel for the petitioners on the other hand submits that cheques were deposited with the office of the LAC, however, he has no record to show that whether the cheques were encashed or not. Additionally, learned counsel for the petitioners submits that the petitioners had made a request for grant of an alternate plot on 17.06.1987. He submits that since no relief can be granted in this case, petitioners may be permitted to revive their request for grant of alternate plots.
5. Mr. Panda without prejudice to the rights of the respondents submits that in case an application for revival for grant of an alternate plot is made, the same would be considered by Land & Building Department in accordance with law.
6. The writ petition is dismissed for the reasons stated above. In case, an application for revival for request for grant of alternate plots is made,

the Land and Building Department will consider the same in accordance with law.

CM APPL 39124/2018 (impleadment)

7. In view of the order passed in the writ petition, no further order is required to be passed in this application. The same is dismissed as withdrawn.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 24, 2018

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