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

% *Date of Judgment: 30th August, 2018*

+ W.P.(C) 9247/2017

JEET SINGH AND ORS

..... Petitioners

Through: Mr.S.K. Rout with Mr.Aman Mehrotra,
Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr Yeeshu Jain and Ms Jyoti Tyagi, Advs
for LAC/L&B.
Mr.Kunal Sharma, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

SANGITA DHINGRA SEHGAL, J. (ORAL)

1. This is a petition under Article 226 of Constitution of India filed by the petitioners seeking a declaration that the acquisition proceedings with respect to the land of the petitioners, admeasuring 20 Bighas comprised in Khasra No.4//26/2 situated in the revenue estate of Village Sahipur, Delhi (hereinafter referred 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 (hereinafter referred to as '2013 Act') as neither the possession of the subject land has been taken nor compensation has been paid to the petitioners.

2. In this case, a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act') was issued on 13.11.1959 and a

declaration under Section 6 was made on 15.07.1966. Thereafter, an Award bearing No.2119/A was passed by the Land Acquisition Collector under Section 11 of the Act on 19.09.1986.

3. Learned counsel for the petitioners submits that neither the possession of the subject land has been taken nor compensation has been paid to the petitioners and thus, the petitioner would be entitled to a declaration that the acquisition proceedings are deemed to have lapsed in view of Section 24 (2) of the 2013 Act.

4. Mr Yeeshu Jain, learned counsel for the LAC submits that neither the possession of the subject land has been taken nor compensation has been paid to the petitioners. Paragraph 7 of the counter affidavit filed by the LAC reads as under:-

“It is submitted that as per the records of the Respondent neither the possession of the lands being subject matter of this petition nor the compensation has been paid to the Petitioner. It is submitted that as per Naksha Mutazamin, the recorded owners are Rajaram, Shashiram & Lakshman Singh all S/o Sh. Pokhar with 1/3 share each at item no. 1 to 3 respectively and the entire awarded compensation is lying in Revenue Deposit vide RD No.544 dated 30.03.1987 amounting to rupees 4,61,429/-. It is further submitted that as per the records there are no notices issued u/s 12(2) of the LA Act, however, there is a public notice issued which was duly served/pasted for the information of the public regarding announcement of the Award on 19.09.198.”

5. We have heard learned counsels for the parties.

6. Reading of the counter affidavit filed by the LAC shows that neither the possession of the subject land has been taken nor compensation has been paid to the petitioners. However, entire awarded compensation amounting to

rupees 4,61,429/- is lying in Revenue Deposit vide RD No.544 dated 30.03.1987 and thus, the necessary ingredients of Section 24(2) of 2013 Act are accordingly fulfilled.

7. Having regard to the submissions made and the stand taken by the LAC in the counter affidavit, we are of the considered view that the necessary ingredients for the application of Section 24 (2) of 2013 Act stand satisfied. Since the award having been announced more than five years prior to the commencement of the 2013 Act and having regard to the fact that neither the possession of the subject land has been taken nor compensation has been paid to the petitioners, in our view, the petitioners are entitled to a declaration that the acquisition proceedings initiated under the Act with regard to the subject land are deemed to have lapsed. It is ordered accordingly.

8. The writ petition stands disposed of in above terms.

SANGITA DHINGRA SEHGAL, J

G.S.SISTANI, J

AUGUST 30, 2018
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