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

+ **W.P.(C) 9250/2015**

KANCHAN JALAN

..... Petitioner

Through: Mr. Chandra Shekhar Goswami,
Advocate for Mr. Karunesh Tandon,
Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

..... RespondentS

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.
Mr. Dhanesh Relan, Standing
Counsel with Ms. Gauri Chaturvedi
and Ms. Mrinalini Sharma, Advocates
for DDA.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% **11.12.2018**

1. The challenge in this Petition is to the acquisition proceedings resulting in the Award No. 1998-99 dated 24th April 1998 in respect of the land in Khasra No. 194 measuring 1 Bigha, 8 Biswa situated in village Shahbad Daulatpur, Delhi in view of Section 24 (2) of the 2013 Act.

2. From the narration in the petition, it appears that there is a history to this litigation. The original notification dated 28th April 1995 under Section 4 of the Land Acquisition Act ('LAA') was challenged by the Petitioner and certain others in a writ petition in this Court which was dismissed.

Subsequently in appeals filed before the Supreme Court by a judgment dated 21st March 2012, the acquisition proceedings were quashed. An opportunity was given to the land owners to file their objections under Section 5A of the LAA.

3. It is acknowledged that “whereas in the extant case some compensation was released by the Respondents”, that issue was agitated by the Petitioners in W.P.(C) 4230/2008 in this Court in ***Premalata and Ors v. Union of India***. That writ petition was decided on 15th December 2008 directing that a supplementary Award be declared by the Land Acquisition Collector (LAC) by 31st March 2009 in respect of built up structure, interest on solatium etc. Thus, it is seen that the Petitioner acknowledges having received compensation but only that “complete compensation” has not been offered.

4. In reply to the Petitioner, it is pointed out by the LAC (North) that the challenge to the acquisition proceedings was dismissed by this Court on 9th July 2007 and no appeal thereafter was filed by the Petitioner before the Supreme Court. Therefore the judgment of this Court attained finality. It is further stated that actual vacant physical possession of the subject land taken away back on 13th January 1997 and handed over to the DDA. It is stated that after the dismissal of her writ petition on 9th July 2007, the Petitioner applied for release of compensation. She was paid compensation by Cheque No. 854976 dated 7th January 2008 in the sum of Rs. 3,79,723 for land measuring 1-08 in Khasra No. 194 min.

5. The LAC has also raised an issue of petition being barred by delay and

laches since it seeks to challenge an Award dated 24th April 1998 and where possession of the subject land was taken away back on 13th January 1997.

6. The LAC's counter affidavit was filed on 19th March 2018 and till date there is no rejoinder thereto has been filed by the Petitioner.

7. On its part the DDA filed a counter affidavit on 17th January 2016 in which again it is pointed out that the Petitioner has unauthorizedly and illegally encroached upon Government/DDA land which had been duly acquired. Reference is made to the possession proceedings dated 13th January 1997 and 26th November 2012 at site. Again there was no rejoinder filed by the Petitioner to the counter affidavit of the DDA as well.

8. With the Petitioner already having received compensation, which fact has not been denied, and with the Petitioner offering no explanation for the inordinate delay in approaching the Court for relief, the Court sees no merit in this petition.

9. The petition is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

DECEMBER 11, 2018

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