

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 10338/2017

versus

Through: Mr. Arjun Mahajan, Advocate for
DDA.
Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates for LAC/L&B.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

ORDER
22.11.2018

2. Learned counsel for the Petitioner has relied upon a judgment of this Court in ***Rattan Singh v. Government of NCT of Delhi*** [decision dated

17th July 2017 in W.P.(C) 631/2017] wherein lands situated in Village Ghonda Gujran Khadar under the same notifications were dealt with. In those proceedings, a counter affidavit was filed *inter alia* stating that possession of the lands in Khasra Nos. 535, 536, and 537 could not be taken.

3. Even in the present petition, in the counter affidavit filed by the LAC, it is stated in para 5 as under:

“That it is submitted that for the purposes of planned development of Delhi, the answering respondent issued a Notification u/s 4 of the Land Acquisition Act, 1894 on 24.10.1961 which was followed by Notification u/s 6 & 17 (1) of the said Act dated 2.9.1966 for planned development of Delhi for the acquisition of the lands falling in village Ghonda Gujran Khadar. The Award No. 9/73-74 also came to be passed in accordance with the law and in pursuance thereof, the actual vacant physical possession of the subject land falling in various khasra numbers **except** khasra number 536 was duly taken on the spot on 21.6.1973 and handed over to the DDA on the spot by preparing possession proceeding on the spot. The compensation for khasra number 481 and 506 was sent to Reference Court u/s 30-31 of Act, 1894 on 12.2.1974 whereas compensation for khasra numbers 505 and 536 was sent to RD and compensation for khasra number 516 and 517 was paid to the recorded owners/claimants on 13.8.1981.”

4. Inasmuch as it is the admitted position that physical possession of land in Khasra No.536 could not be taken, a declaration is issued that the acquisition proceedings in respect of the land in Khasra No.536 admeasuring 7 *bigha*, 13 *biswa* ($\frac{1}{2}$ share) alone is deemed to have lapsed in terms of Section 24 (2) of the Act. The prayer in respect of the other khasra numbers is rejected.

5. The petition is accordingly disposed of.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 22, 2018

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